# CITY COUNCIL AGENDA NORMAN UTILITIES AUTHORITY AGENDA NORMAN MUNICIPAL AUTHORITY AGENDA NORMAN TAX INCREMENT FINANCE AUTHORITY AGENDA

# Municipal Building Council Chambers 201 West Gray

May 11, 2010 6:30 p.m.

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2.	Pledge o	of Allegiance		
3.	ITEM:	ANNUAL F	REPORT	ON THE CURBSIDE RECYCLING PROGRAM,
	INFORMATION: Mr. Ken Komiske, Director of Utilities, will present an annual report on the Curbside Recycling Program.			
	ACTION			presentation of the annual report on the Curbside Recycling irrector of Utilities.
	ACTION	N TAKEN: _		· · · · · · · · · · · · · · · · · · ·
1.	ITEM: CONSENT DOCKET  INFORMATION: This item is placed on the agenda so that the City Council, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any item proposed does not meet with approval of all Councilmembers, that item will be heard in regular order. Staff recommends that Item 5 through Item 30 be placed on the consent docket.			
	ACTION	N NEEDED:	1.	Motion to place Item through Item on the Consent Docket by unanimous vote.
	ACTION	N TAKEN:		
	ACTION	N NEEDED:	2.	Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve or acknowledge all items on the Consent Docket subject to any conditions included in the individual action needed by item.
	ACTION	N TAKEN:	<del> </del>	

CITY COUNCIL PLANNING AND COMMUNITY DEVELOPMENT MINUTES OF APRIL 9, 2010

CITY COUNCIL STUDY SESSION MINUTES OF APRIL 20, 2010

CITY COUNCIL FINANCE COMMITTEE MEETING OF APRIL 21, 2010

CITY COUNCIL STUDY SESSION MINUTES OF APRIL 27, 2010

CITY COUNCIL MINUTES OF APRIL 27, 2010

NORMAN UTILITIES AUTHORITY MINUTES OF APRIL 27, 2010 NORMAN MUNICIPAL AUTHORITY MINUTES OF APRIL 27, 2010

NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF APRIL 27, 2010

ACTION NEEDED: Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve the minutes; and, if approved, direct the filing thereof.

ACTION TAKEN:	1	
ACTION TAKEN.		

- 6. ITEM: CONSIDERATION OF ORDINANCE NO. O-0910-34 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 14-411(D) AND 14-507 TO CHAPTER 14 OF THE CODE OF THE CITY OF NORMAN TO INCREASE MUNICIPAL COURT COSTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.
  - INFORMATION: The above-described ordinance is submitted for Introduction and adoption upon First Reading by title, and subsequent thereto, for submission for City Council's final consideration in its meeting of May 25, 2010. Copies of an advisory memorandum; ordinance; and legislatively notated copy of the ordinance are included in the Agenda Book.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-0910-34 upon First Reading by title.

ACTION TAKEN:	

7. ITEM: CONSIDERATION OF THE MAYOR'S APPOINTMENTS OF PAMELA NORMILE AND MARK PELFREY TO THE SOCIAL AND VOLUNTARY SERVICES COMMISSION.

SOCIAL AND VOLUNTARY SERVICES COMMISSION

TERM: 05-11-10 TO 12-09-13: PAMELA NORMILE, 3713 WINDOVER DRIVE TERM: 05-11-10 TO 12-09-13: MARK PELFREY, 5814 HICKORY BEND DRIVE

INFORMATION: In accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. Pamela Normile will fill the unexpired vacancy left by Katie Fitzgerald and Mark Pelfrey will fill the unexpired vacancy left by Ann Way.

ACTION NEEDED:	Motion to confirm or reject the appointments.		
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ACTION TAKEN:			

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- 8. ITEM: SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF MARCH, 2010, AND DIRECTING THE FILING THEREOF.
  - INFORMATION: The above-described item appears on City Council's agenda in order that acknowledgment of the receipt of the reports may be noted in the minutes as a matter of permanent record. Copies of the reports are included in the Agenda Packet or transmitted electronically.

ACTION NEEDED:	Motion to acknowledge receipt of the reports and direct the filing thereof.
ACTION TAKEN:	

- 9. ITEM: SUBMISSION OF THE THIRD INCLUSIVE COMMUNITY REPORT SUBMITTED BY THE HUMAN RIGHTS COMMISSION.
  - INFORMATION: City Council, in its meeting of July 22, 2008, adopted Resolution No. R-0809-12 to participate in the National League of Cities' Partnership Working toward Inclusive Communities. On October 26, 2009, Norman's Third Inclusive Community Discussion, sponsored by the Human Rights Commission, was held at Saint Joseph's Catholic Church. The Inclusive Community Report prepared by the Human Rights Commission includes examples of perceptions from participants and is submitted for Council's consideration. A copy of the inclusive community report is included in the Agenda Book.

ACTION NEEDED:	Motion to acknowledge receipt of the report and direct the filing thereof.
ACTION TAKEN:	

- 10. ITEM: CONSIDERATION OF THE DECLARATION OF EQUIPMENT AS SURPLUS AND/OR OBSOLETE AND OF AUTHORIZATION FOR THE SALE THEREOF.
  - INFORMATION: Section 8-301 of the Code of the City of Norman provides that "The City Council must declare surplus or obsolete any supplies, materials, or equipment where the valuation exceeds one thousand dollars (\$1,000.00) prior to the selling of such supplies, materials, or equipment." Copies of an advisory memorandum and Inventory of Goods to be Auctioned are included in the Agenda Book.

ACTION NEEDED: Motion	n to declare the	equipment to	be surplus	and/or ob	solete; a	nd, if so
declared, authorize	the sale thereof					

ACTION TAKEN:	

- 11. ITEM: CONSIDERATION OF THE ACCEPTANCE OF A DONATION OF 1,570 BATTERIES VALUED AT \$3,000 FROM RAYOVAC BATTERY CORPORATION AND BATTERIESPLUS TO BE USED BY THE POLICE DEPARTMENT.
  - INFORMATION: Rayovac Corporation and BatteriesPlus have donated 1,570 batteries valued at \$3,000 to be used by the Police Department. Section 8-111 of the City Code states that any donation valued above \$250.00 to be received by the City of Norman, whether in the form of monies or any other thing of value, shall be required to be accepted by the Council of the City of Norman prior to any use or disbursement. In accordance therewith, the above-described item is submitted for City Council's consideration. A copy of an advisory memorandum is included in the Agenda Book.

ACTION NEEDED: Motion to accept or reject a donation of 1,570 batteries valued at \$3,000 from Rayovac Corporation and BatteriesPlus to be used by the Police Department.

ACTION TAKEN:	
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- CONSIDERATION OF ACCEPTANCE OF PERMANENT UTILITY EASEMENT 12. ITEM: NOS. E-0910-56 AND E-0910-58 AND TEMPORARY CONSTRUCTION EASEMENT NOS. E-0910-57 AND E-0910-59 BY JOLYNN O'SHEA-WALKER AND MARK EDWARD WALKER IN THE AMOUNT OF \$3,050; PERMANENT UTILITY EASEMENT NO. E-0910-60 AND TEMPORARY CONSTRUCTION, EASEMENT NO. -0910-61 FROM LOUIS AND JAMIE BRUEHL IN THE AMOUNT OF \$9,605; PERMANENT UTILITY EASEMENT NO. E-0910-62 DONATED BY ZACK R. MCCAIN, JR., AND MARY JANE MCCAIN; PERMANENT UTILITY EASEMENT NO. E-0910-64 DONATED BY LEO D. AND BERTIE F. SNOW; PERMANENT UTILITY EASEMENT NO. E-0910-66 AND TEMPORARY CONSTRUCTION EASEMENT NO. E-0910-67 BY DANIEL L. BRUEHL, JR., AND FRANCES C. BRUEHL IN THE AMOUNT OF \$950; PERMANENT UTILITY EASEMENT NO. E-0910-68 DONATED BY DEBORAH ANN CASE; AND PERMANENT UTILITY EASEMENT NO. E-0910-70 AND TEMPORARY CONSTRUCTION EASEMENT NO. E-0910-71 BY JACOB W. AND MONA M. FREDRICKSON IN THE AMOUNT OF \$1,275 IN CONNECTION WITH THE RAW WATER LINE PROJECT.
  - INFORMATION: Phase I of the Raw Water Line Project extends east from the Water Treatment Plant to 60th Avenue N.E. The project requires obtaining several easements to make the necessary improvements. Donations were requested prior to determining appraisal values. The easements were appraised and offers of fair market value were made. The Assistant City Attorney and Utilities Department have examined the easements and found them to be in order and proper as to form. Based upon the fact the easements have been dedicated to the City of Norman for water line improvements in the above-mentioned project, Staff recommends acceptance of the easements. Copies of an advisory memorandum, easements, and location maps are included in the Agenda Book.
  - ACTION NEEDED: Acting as the City Council and Norman Utilities Authority, motion to accept or reject the easements; and, if accepted, direct the filing of the permanent easements with the Cleveland County Clerk and the temporary easements with the City Clerk and authorize payment for the easements where applicable.

ACTION TAKEN:	

- 13. ITEM: CONSIDERATION OF A FINAL PLAT FOR CANAAN ACRES ADDITION, ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN, AND APPROVAL OF DEFERRED CONSTRUCTION OF STREET IMPROVÈMENTS FOR FRANKLIN ROAD.
  - LOCATION: Generally located approximately 1,000 feet west of Porter Avenue between Franklin Road and Broadway Avenue.

# INFORMATION:

- 1. Owner. Randy and Lisa Martin.
- 2. <u>Developer</u>. Randy and Lisa Martin.
- 3. Surveyor. Centerline Services, L.L.C.

#### HISTORY:

- 1. Refer to the Planning Commission Staff Report, April 8, 2010.
- 2. <u>March 23, 2010</u>. City Council approved the preliminary plat for Canaan Acres Addition.
- 3. April 8, 2010. Planning Commission, by a vote of 8-0, recommended approval of the final plat for Canaan Acres and deferral of street improvements for Franklin Road.

# IMPROVEMENT PROGRAM:

- 1. Refer to the Planning Commission Staff Report, April 8, 2010.
- 2. <u>Streets</u>. It has been determined that improvements will be required for Franklin Road; however since widening and shoulder improvements will not connect to any existing facilities, Staff recommends deferral of street improvements.
- 3. <u>Subdivision Bond</u>. A subdivision bond is not required.

- 1. Refer to the Planning Commission Staff Report, April 8, 2010.
- SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum; location map; preliminary plat; final plat; Staff Report recommending approval; engineer's estimate for deferral of street improvements; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.
- ACTION NEEDED: Motion to approve or reject the final plat and the deferral of street improvements for Franklin Road; and, if approved, accept the public dedications contained within the plat, authorize the Mayor to sign the final plat subject to the City Development Committee's acceptance of all required public improvements and receipt of a fee in the amount of \$19,073.50 for deferred street improvements for Franklin Road within 10 days after approval, and direct the filing of the final plat.

ACTION TAKEN:		•	

- 14. ITEM: CONSIDERATION OF A FINAL PLAT FOR HIGHLAND VILLAGE ADDITION, SECTION 2, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN.
  - LOCATION: Generally located on the west side of Porter Avenue one-half mile north of Rock Creek Road.

#### INFORMATION:

- 1. Owner. Highland Village, L.L.C.
- 2. <u>Developer</u>. Highland Village, L.L.C.
- 3. <u>Surveyor.</u> SMC Consulting Engineers, P.C.

#### HISTORY:

- 1. <u>September 28, 2004</u>. City Council, by a vote of 9-0, approved the revised preliminary plat for Highland Village Addition.
- 2. October 14, 2004. Planning Commission, by a vote of 7-0, approved the final plat for Highland Village Addition, Section 2.
- 3. October 14, 2006. The final plat for Highland Village Addition, Section 2, became null and void.
- 4. <u>April 12, 2009</u>. Planning Commission, by a vote of 7-0, recommended approval (re-approval) of the final plat for Highland Village Addition, Section 2.

#### IMPROVEMENT PROGRAM:

- 1. Refer to the Planning Commission Staff Report, August 12, 2009.
- 2. <u>Subdivision Bond</u>. A subdivision bond has not been submitted since the developer has required approval of the final plat with the filing thereof to be directed subject to completion and City acceptance of all required public improvements. A subdivision bond will be required for sidewalks not installed prior to filing the final plat.

- 1. Refer to the Planning Commission Staff Report, August 12, 2009.
- 2. <u>Park Land Dedication</u>. The City of Norman owns the required park land for Highland Village Addition.
- SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum; location map; revised preliminary plat; final plat; Staff Report recommending approval; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.
- ACTION NEEDED: Motion to approve or reject the final plat; and, if approved, accept the public dedications contained within the plat, authorize the Mayor to sign the final plat subject to the City Development Committee's acceptance of all required public improvements, and direct the filing of the final plat.

ACTION TAKEN:			

- 15. ITEM: CONSIDERATION OF A FINAL PLAT FOR PARK PLACE ADDITION, SECTION 7, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN.
  - LOCATION: Generally located south of East Rock Creek Road and one quarter mile east of 12th Avenue N.E.

#### **INFORMATION:**

- 1. Owner. Park Place Developers, L.L.C.
- 2. Developer. Park Place Developers, L.L.C.
- 3. <u>Surveyor.</u> SMC Consulting Engineers, P.C.

#### HISTORY:

- 1. <u>July 13, 2004</u>. City Council, by a vote of 8-0, approved the revised preliminary plat for Park Place Addition with alley waiver for commercial lots.
- 2. Refer to the Planning Commission Staff Report of October 11, 2007.
- 3. October 11, 2007. Planning Commission, by a vote of 8-0, recommended to City Council that the final plat for Park Place Addition, Section 7, be approved.

#### IMPROVEMENT PROGRAM:

- 1. Refer to the Planning Commission Staff Report, October 11, 2007.
- 2. <u>Public Improvements</u>. Public Improvements have been completed except for sidewalks.
- 3. <u>Subdivision Bond</u>. A subdivision bond has not been submitted since the developer has required approval of the final plat with the filing thereof to be directed subject to completion and City acceptance of all required public improvements. A subdivision bond will be required for sidewalks not installed prior to filing the final plat.

- 1. Refer to the Planning Commission Staff Report, October 11, 2007.
- 2. <u>Park Land Dedication</u>. The City of Norman owns the entire park site fulfilling the park land dedication requirements for Park Place Addition.
- SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum; location map; revised preliminary plat; final plat; Staff Report recommending approval; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.
- ACTION NEEDED: Motion to approve or reject the final plat; and, if approved, accept the public dedications contained within the plat, authorize the Mayor to sign the final plat subject to the City Development Committee's acceptance of all required public improvements, and direct the filing of the final plat.

ACTION TAKEN:				•	

- 16. ITEM: CONSIDERATION OF AN AMENDMENT TO CONSENT TO ENCROACHMENT NO. 0809-9 FOR LOT 7, BLOCK 3, BROOKHAVEN NO. 34 ADDITION. (4300 MIDDLEFIELD COURT)
  - INFORMATION: City Council, in its meeting of June 23, 2009, approved Consent to Encroachment No. 0809-9 for 4300 Middlefield Court. The original request was for a seven foot encroachment into a seventeen foot utility easement to allow construction of a swimming pool and pool decking. The applicant is requesting that the encroachment be amended so he can construct a cabana and storage area to house the pool equipment. He is not requesting any additional footage be added to the encroachment. Staff has considered the request and encroachment delineated in the above-described consent and recommends that an amendment to Consent to Encroachment No. 0809-9 be approved. Copies of an advisory memorandum, amended Consent to Encroachment, location maps, letter of request, Staff memoranda, supplemental material, and pertinent excerpts from City Council minutes are included in the Agenda Book.
  - ACTION NEEDED: Motion to approve or reject an amendment to Consent to Encroachment No. 0809-9; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN:	

- 17. ITEM: SPECIAL CLAIM NO. 0910-6: A CLAIM IN THE AMOUNT OF \$3,961.90 FROM OKLAHOMA GAS AND ELECTRIC COMPANY (OG&E) THROUGH CMR CLAIMS MANAGEMENT RESOURCES FOR DAMAGES INCURRED TO A UTILITY POLE AT THE INTERSECTION OF RICH STREET AND CRAWFORD AVENUE BY A POLICE VEHICLE.
  - INFORMATION: The above-described special claim has been examined by the City Attorney and found to be in order and proper as to form. Staff recommends approval. Copies of an advisory memorandum; claim; Staff memorandum; invoice; and police report are included in the Agenda Book.
  - ACTION NEEDED: Motion to accept or reject Special Claim No. 0910-6; and, if approved, direct payment in the amount of \$3,961.90 contingent upon obtaining a Release and Covenant Not to Sue from OG&E.

ACTION TAKEN:	

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- 18. ITEM: AMENDMENT NO. ONE TO CONTRACT NO. K-0910-5: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CLEVELAND AREA RAPID TRANSIT (CART) AS PART OF THE 35TH YEAR AS PART OF THE 35TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, INCREASING THE CONTRACT AMOUNT BY \$7,000 TO PROVIDE BUS PASSES FOR LOW AND MODERATE INCOME CITIZENS THROUGH THE REMAINDER OF FYE 2010.
  - INFORMATION: City Council, in its meeting of July 14, 2009, approved Contract No. K-0910-5 with CART in the amount of \$25,000 to provide bus passes for low and moderate income citizens of Norman by the CDBG Program with an additional \$10,500 provided in the General Fund Balance for additional bus passes, if needed. Due to a downturn in the economy, the demand for bus passes has increased significantly and CART has requested an additional \$7,000 for the remainder of FYE 2010. The amendment has been examined by the Assistant City Attorney and found to be in order and proper as to form. Staff recommends approval of the amendment. Copies of an advisory memorandum, amendment, pertinent excerpts from City Council Transportation Committee minutes, and purchase requisition are included in the Agenda Book.
  - ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract No. K-0910-5 with CART increasing the contract amount by \$7,000; and, if approved, authorize the execution thereof.

ACTION TAKEN:		

- 19. ITEM: CHANGE ORDER NO. TWO TO CONTRACT NO. K-0910-40: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND J.L. WALKER CONSTRUCTION, INC., INCREASING THE CONTRACT AMOUNT BY \$2,160 FOR THE MUNICIPAL COURT INTERIM FACILITY PROJECT, PHASE II, FINAL ACCEPTANCE OF THE PROJECT, AND BUDGET TRANSFER.
  - City Council, in its meeting of July 14, 2009, approved Contract INFORMATION: No. K-0910-40 with J.L. Walker Construction, Inc., in the amount of \$415,900 for the above-described project and Change Order No. One decreasing the contract amount by \$83,067 which reduced the number of HVAC units from three to two; removed shelving around the copier and scanning stations, the data cabling (to be completed in house), some remodeling in the existing bathroom, and the concrete pad beneath the bike rack; and modified the types of materials used. Change Order No. Two increasing the contract amount by \$2,160 finalizes all quantities from as-bid to as-built and provides a safety handrail on the roof; steel bollards for the front of the modular building, concrete to fill a void area on the south side of the building, and walk pads on the roof. Change Order No. Two has been examined by the Assistant City Attorney and found to be in order and proper as to form. Staff recommends approval of the change order. The project is completed and all work meets or exceeds specifications. Based upon the above information, it is recommended that the project be accepted. Copies of an advisory memorandum, letter from the architect, and change order are included in the Agenda Book.
  - ACTION NEEDED: Motion to approve or reject Change Order No. Two to Contract No. K-0910-40 with J.L. Walker Construction, Inc., increasing the contract amount by \$2,160; and, if approved, authorize the execution thereof, accept the project, and direct final payment in the amount of \$16,749.65 to J.L. Walker Construction, Inc., and transfer \$11,000 from Project No. BG0008, Municipal Judicial Center, Design (050-9365-419.62-01) to Project No. BG0008, Municipal Judicial Center, Construction (050-9365-419.61-01).

<b>ACTION TAKEN:</b>	

20. ITEM: CONTRACT NO. K-0910-174: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR FEDERAL AID PROJECT NO. TCSP-0H68(007) DC, JOB NO. 122670(04) FOR THE ROBINSON STREET GRADE SEPARATION PROJECT, RESOLUTION NO. R-0910-112, AND TERMINATION OF CONTRACT NO. K-0506-82 AND AMENDMENT NO. ONE TO CONTRACT NO. K-0506-82.

INFORMATION: City Council, in its meeting of October 25, 2009, approved Contract No. K-0506-82 with ODOT for the Robinson Street Grade Separation Project. Amendment No. One to Contract No. K-0506-82 prepared by ODOT was approved by City Council on December 22, 2009, which addressed the responsibilities of the City and ODOT. The construction project is funded 80% by federal funding and requires The engineer's estimate for the project was \$17,359,147 with ODOT's share being \$14,019,544 and the City's share being \$3,339,603. The bids for the project opened on February 18, 2010, and came in lower than expected and after ODOT's and the contractor's rates of construction administration costs added to the lowest bid, the total costs were \$12,935.378. City staff requested ODOT evaluate the funding sources and the required City match and refund a portion of the money already paid to ODOT. In order to return the difference in the City's match, ODOT requires the City to enter into a new contract. Once both parties sign the new contract, the City will send a letter to ODOT requesting a refund of the difference. No. K-0910-174 will supersede and replace all provisions of Contract No. K-0506-82 and Amendment No. One to Contract No. K-0506-82 in order to modify financing terms and conditions based on actual awarded costs and available funding. above-described contract has been examined by the Assistant City Attorney and found to be in order and proper as to form. Staff recommends approval of the contract and adoption of the resolution and termination of Contract No. K-0506-82 and Amendment No. One to Contract No. K-0506-82. Copies of an advisory memorandum; contract; resolution; location maps; and pertinent excerpts from City Council minutes are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject Contract No. K-0910-174 with the Oklahoma Department of Transportation; and, if approved, adopt Resolution No. R-0910-112 and authorize the execution of the contract and resolution, and terminate Contract No. K-0506-82 and Amendment No. One to Contract No. K-0506-82.

ACTION TAKEN:	
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- 21. ITEM: CONTRACT NO. K-0910-176: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND ENGINEERING SERVICES AND TESTING (EST), INC., IN THE AMOUNT OF \$45,000 FOR THE DESIGN, BIDDING, AND CONSTRUCTION ADMINISTRATION FOR BOYD STREET WATER TOWER RESURFACING PROJECT AND BUDGET TRANSFER.
  - INFORMATION: The above-described contract has been examined by the Assistant City Attorney and found to be in order and proper as to form. Staff recommends approval of the contract. Copies of an advisory memorandum, contract, and purchase requisition are included in the Agenda Book.
  - ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Contract No. K-0910-176 with EST, Inc., in the amount of \$45,000; and, if approved, authorize the execution thereof and transfer \$5,000 from Project No. WA0039, Water Tower Maintenance Project, Construction (031-9354-462.61-01) to Project No. WA0039, Water Tower Maintenance Project, Design (031-9354-462.62-01)

<b>ACTION TAKEN:</b>	

- 22. ITEM: CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$35,828 REGARDING PRESTON G. WHITE VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2006-11951 Y.
  - INFORMATION: The City Attorney recommends that the City comply with the Workers' Compensation Court Order. If approved, the Order will be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85 O.S., Section 2b; 51 O.S., Section 159; and 62 O.S., Section 361. Certifying the Order to the property tax rolls will reimburse the City's Workers' Compensation Fund over the next three years. Copies of an advisory memorandum, Court Order, and purchase requisitions are included in the Agenda Book.
  - ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of \$35,828 which will constitute judgment against the City of Norman.

ACTION TAKEN:	

23.	ITEM:	RESOLUTION NO. R-0910-110: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$65,000 · FROM THE GENERAL FUND BALANCE TO COVER ANTICIPATED LEGAL EXPENSES FOR THE REMAINDER OF FYE 2010.
	INFORM	MATION: The above-described resolution has been drawn and is submitted for City Council's consideration. Copies of an advisory memorandum and resolution are included in the Agenda Book.
	ACTION	N NEEDED: Motion to adopt or reject Resolution No. R-0910-110.
	ACTION	N TAKEN:
24.	ITEM:	RESOLUTION NO. R-0910-114: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, EXPRESSING SUPPORT FOR LOCALLY-BASED, SUSTAINABLE, AND EQUITABLE COMMERCE, WELL-BEING OF SMALL FARMERS AND PRODUCERS, AND SUPPORT OF SMALL AND LOCAL BUSINESSES.
	INFORM	MATION: The above-described resolution has been drawn and is submitted for City Council's consideration. Copies of the resolution and letters of supports are included in the Agenda Book.
	ACTION	N NEEDED: Motion to adopt or reject Resolution No. R-0910-114.
	ACTIO	N TAKEN:
25.	ITEM:	RESOLUTION NO. R-0910-117: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING \$1,700 FROM THE LONGFELLOW-JEFFERSON SAFE ROUTES PROJECT CONSTRUCTION ACCOUNT AND APPROPRIATING \$3,300 FROM THE SPECIAL REVENUE FUND BALANCE TO PAY UP-FRONT COSTS FOR THE PROJECT.
	INFORM	MATION: The above-described resolution has been drawn and is submitted for City Council's consideration. Copies of an advisory memorandum and resolution are included in the Agenda Book.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-0910-117.

ACTION TAKEN:

- 26. ITEM: RESOLUTION NO. R-0910-118: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING \$619 FROM THE MISCELLANEOUS REIMBURSEMENTS/REFUNDS ACCOUNT TO REIMBURSE THE POLICE DEPARTMENT FOR TESTING FEES WHICH HAD PREVIOUSLY BEEN PAID BY THOSE APPLYING FOR POLICE OFFICER POSITIONS AND RECEIPTED INTO THE REIMBURSEMENT/REFUND ACCOUNT.
  - INFORMATION: The above-described resolution has been drawn and is submitted for City Council's consideration. Copies of an advisory memorandum and resolution are included in the Agenda Book.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-0910-118.		
ACTION TAKEN:	•	

- 27. ITEM: PROCLAMATION NO. P-0910-21: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MAY 16 THROUGH 21, 2010, AS EMERGENCY MEDICAL SERVICES WEEK IN THE CITY OF NORMAN.
  - INFORMATION: Mr. Eddie Sims, Chief/Manager of EMSTAT, Norman Regional Hospital, has requested a proclamation proclaiming the week of May 16 through 21, 2010, as Emergency Medical Services Week in the City of Norman. The above-described proclamation has been drawn and is submitted for City Council's consideration. A copy of the proclamation is included in the Agenda Book.
  - ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-0910-21 proclaiming the week of May 16 through 21, 2010, as Emergency Medical Services Week in the City of Norman and direct the filing thereof.

<b>ACTION TAKEN:</b>	

- 28. ITEM: PROCLAMATION NO. P-0910-26: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF MAY, 2010, AS MOTORCYCLE AWARENESS MONTH IN THE CITY OF NORMAN.
  - INFORMATION: Mr. Randy Jones, Vice President of the South Central Chapter of ABATE has requested a proclamation proclaiming the month of May, 2010, as Motorcycle Awareness Month in the City of Norman. The above-described proclamation has been drawn and is submitted for City Council's consideration. A copy of the proclamation is included in the Agenda Book.
  - ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-0910-26 proclaiming the month of May, 2010, as Motorcycle Awareness Month in the City of Norman and direct the filing thereof.

ACTION TAKEN:	

- 29. ITEM: <u>PROCLAMATION NO. P-0910-27</u>: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING FRIDAY, MAY 21, 2010, AS BIKE-TO-WORK DAY IN THE CITY OF NORMAN.
  - INFORMATION: Mr. James Briggs, Staff Liaison for the Bicycle Advisory Committee has requested a proclamation proclaiming Friday, May 21, 2010, as Bike-to-Work Day in the City of Norman. The above-described proclamation has been drawn and is submitted for City Council's consideration. A copy of the proclamation is included in the Agenda Book.
  - ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-0910-27 proclaiming Friday, May 21, 2010, as Bike-to-Work Day in the City of Norman and direct the filing thereof.

ACTION TAKEN:	

- 30. ITEM: PROCLAMATION NO. P-0910-28: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MAY 10 THROUGH 16, 2010, AS NATIONAL TRAVEL AND TOURISM WEEK IN THE CITY OF NORMAN.
  - INFORMATION: Mr. Stephen Koranda, Director of the Norman Convention and Visitors Bureau, has requested a proclamation proclaiming the week of May 10 through 16, 2010, as National Travel and Tourism Week in the City of Norman. The above-described proclamation has been drawn and is submitted for City Council's consideration. A copy of the proclamation is included in the Agenda Book.
  - ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-0910-28 proclaiming the week of May 10 through 16, 2010, as National Travel and Tourism Week in the City of Norman and direct the filing thereof.

ACTION TAKEN:	

- 31. ITEM: RESOLUTION NO. R-0910-111: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING AND CONFIRMING FINAL COSTS ASSOCIATED WITH IMPROVEMENTS TO ROBINSON STREET, AN ARTERIAL ROAD, FROM 400 FEET WEST OF 48TH AVENUE N.W. TO 935 FEET EAST OF BROOKDALE DRIVE AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO RELEASE PROPERTIES AS ASSESSMENTS ARE PAID.
  - INFORMATION: City Council, in its meeting of May 11, 2004, adopted Resolution No. R-0304-108 declaring a recoupment project for costs associated with improvements to Robinson Street from 400 feet west of 48th Avenue N.W. to 935 feet east of Brookdale Drive and approved Contract No. K-0304-165 with ODOT for Federal-Aid Project No. STP-114B(408)AG, State Job No. 18206(04), for the Robinson Street Widening Project between Brookhaven Boulevard and 48th Avenue N.W. The project is now complete and final costs associated with the improvements were submitted for City Council's consideration on April 27, 2010, and City Council postponed Resolution No. R-0910-111 until May 11, 2010. Copies of an advisory memorandum, resolution, location map, property and ownership list, and pertinent excerpts from City Council minutes are included in the Agenda Book.

ACTION NEEDED:	Motion to adopt or reject Resolution No. R-0910-111.
ACTION TAKEN:	

- 32. ITEM: RESOLUTION NO. R-0910-95: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-0910-7, SO AS TO PLACE PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE MEDIUM DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION, OF SAID CITY. (2525 EAST LINDSEY STREET)
  - INFORMATION: Planning Commission, in its meeting of March 11, 2010, held a public hearing on the following item and received 5.2% filed protest regarding the subsequent rezoning Ordinance No. O-0910-24:

MISSION NORMAN, INC.: Requests amendment of the NORMAN 2025 Land Use and Transportation Plan from the Low Density Residential Designation to Medium Density Residential Designation for a 5.77 acre tract of land located at 2525 East Lindsey Street.

Planning Commission, by a vote of 9-0, recommends approval of the requested amendment. City Council, in its meeting of April 27, 2010, postponed Resolution No. R-0910-95 until May 11, 2010. The above-described resolution has been drawn and is submitted for City Council's consideration. Copies of an advisory memorandum; resolution; location map; Staff Report recommending approval; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-0910-95, Land Use Plan Amendment No. LUP-0910-7; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

ACTION TAKEN:	

City Council Agenda Page 18 May 11, 2010

ORDINANCE NO. 0-0910-24: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (2525 EAST LINDSEY STREET)

INFORMATION: Planning Commission, in its meeting of March 11, 2010, held a public hearing and received 5.2% filed protest regarding the following item:

MISSION NORMAN, INC.: Requests rezoning from A-2, Rural Agricultural District, to PUD, Planned Unit Development District, on a 5.77 acre tract of land located at 2525 East Lindsey Street.

Planning Commission, by a vote of 9-0, recommends approval of the requested rezoning; and City Council, in its meeting of April 13, 2010, Introduced and adopted Ordinance No. O-0910-24 upon First Reading by title. City Council, in its meeting of April 27, 2010, postponed Ordinance No. O-0910-24 until May 11, 2010. A Land Use Plan Amendment is required and Resolution No. R-0910-95 is submitted for Council's consideration in the preceding item on this agenda. Copies of the ordinance; site development plan; location map; Staff Report; project description; PUD narrative; preliminary plat; renderings of site; protest area map; letter of protest; petitions of protest; letters of support; and predevelopment summary are included in the Agenda Book. An advisory memorandum and pertinent excerpts from Planning Commission minutes are included in the preceding agenda item.

ACTION NEEDED:	1.	Motion to adopt or reject Ordinance No. O-0910-24 upon Second Reading section by section.
ACTION TAKEN:		
ACTION NEEDED:	2.	Motion to adopt or reject Ordinance No. O-0910-24 upon Final Reading as a whole.
ACTION TAKEN:		

34. ITEM: CONSIDERATION OF A PRELIMINARY PLAT FOR MISSION NORMAN ADDITION, A PLANNED UNIT DEVELOPMENT.

LOCATION: Located at 2525 East Lindsey Street.

#### INFORMATION:

- 1. Owner. Mission Norman, Inc.
- 2. <u>Developer</u>. Mission Norman, Inc.
- 3. <u>Engineer</u>. JTK Engineering Company.

#### HISTORY:

- 1. Refer to the Planning Commission Staff Report, March 11, 2010.
- 2. <u>April 27, 2010</u>. City Council, by a vote of 9-0, postponed the preliminary plat for Mission Norman, a Planned Unit Development, until May 11, 2010.
- 3. March 11, 2010. Planning Commission, by a vote of 9-0, recommended to City Council the NORMAN 2025 Land Use and Transportation Plan be amended to place this property in Medium Density Designation and be removed from Low Density Designation.
- 4. <u>March 11, 2010</u>. Planning Commission, by a vote of 9-0, recommended to City Council that this property be placed in PUD, Planned Unit Development District, and removed from A-2, Rural Agricultural District.
- 5. <u>March 11, 2010</u>. Planning Commission, by a vote of 9-0, recommended that the preliminary plat for Mission Norman, a Planned Unit Development, be approved.

## IMPROVEMENT PROGRAM:

1. Refer to the Planning Commission Staff Report, March 11, 2010.

- 1. Refer to the Planning Commission Staff Report, March 11, 2010.
- SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum; location map; preliminary site development plan; preliminary plat; and Staff Report recommending approval are included in the Agenda Book and pertinent excerpts from Planning Commission minutes are included in Item 33.
- ACTION NEEDED: Motion to approve or reject the preliminary plat for Mission Norman Addition, a Planned Unit Development.

<b>ACTION TAKEN:</b>	

35. ITEM: CONSIDERATION OF A PRELIMINARY PLAT FOR FOUNTAIN VIEW ADDITION (FORMERLY WINDSTONE FARMS ADDITION).

LOCATION: Generally located on the east side of 48th Avenue N.W. approximately 1,500 feet south of West Tecumseh Road.

#### INFORMATION:

- 1. Owner. SKS1, L.L.C., and Southwest Capital Group, L.L.C.
- 2. <u>Developer</u>. SKS1, L.L.C., and Southwest Capital Group, L.L.C.
- 3. Engineer. SMC Consulting Engineers, P.C.

#### HISTORY:

- 1. Refer to the Planning Commission Staff Report, April 8, 2010.
- 2. <u>August 5, 2004</u>. The Norman Board of Parks Commissioners, by a vote of 7-0, recommended a fee in lieu of parkland dedication requirements.
- 3. September 28, 2004. City Council, by a vote of 7-2, adopted a revised preliminary plat for Windstone Farms Addition, which was amended to require no building permits to be issued in the flood plain area without Federal Emergency Management Agency (FEMA) approval of the Ten Mile Flat Creek Flood Plain Study and the applicant would accept existing drainage from Cascade Estates Addition and hold harmless any damages that would occur.
- 4. November 20, 2009. The approval of the preliminary plat became null and void.
- 5. <u>April 8, 2010</u>. Planning Commission, by a vote of 8-0, recommended to City Council that the preliminary plat for Fountain View Addition be approved. (Reapproval)

# IMPROVEMENT PROGRAM:

1. Refer to the Planning Commission Staff Report, April 8, 2010.

- 1. Refer to the Planning Commission Staff Report, April 8, 2010.
- SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum; location map; preliminary plat; Staff Report recommending approval; Traffic Impact Analysis; and pertinent excerpts from Norman Board of Parks Commissioners and Planning Commission minutes are included in the Agenda Book.
- ACTION NEEDED: Motion to approve or reject the preliminary plat for Fountain View Addition (formerly Windstone Farms Addition) subject to receipt of the Traffic Impact Fee in the amount of \$4,177.47.

ACTION TAKEN:	

36. ITEM: ORDINANCE NO. O-0910-28: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1051 12TH AVENUE N.E.)

INFORMATION: Planning Commission, in its meeting of April 8, 2010, held a public hearing and received no filed protest regarding the following item:

ELITE LION, L.L.C.: Requests rezoning from PUD, Planned Unit Development District, to C-2, General Commercial District, on a 1.18 acre tract of land located at 1051 12th Avenue N.E.

Planning Commission, by a vote of 7-0, recommends approval of the requested rezoning; and City Council, in its meeting of April 27, 2010, Introduced and adopted Ordinance No. O-0910-28 upon First Reading by title. A Land Use Plan Amendment is not required. Copies of an advisory memorandum; Ordinance No. 0-0910-28; site development plan; location map; Staff Report recommending approval; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED:	1.	Motion to adopt or reject Ordinance Second Reading section by section.	No. O-0910-28	upon
ACTION TAKEN:				
ACTION NEEDED:	2.	Motion to adopt or reject Ordinance No. Reading as a whole.	O-0910-28 upon	Final
ACTION TAKEN:				

- 37. Miscellaneous Discussion: This is an opportunity for citizens to address City Council. Remarks should be directed to the Council as a whole and limited up to five minutes or less.
- 38. Adjournment.

- 3. ITEM: ANNUAL REPORT ON THE CURBSIDE RECYCLING PROGRAM.
  - INFORMATION: Mr. Ken Komiske, Director of Utilities, will present an annual report on the Curbside Recycling Program.
  - ACTION NEEDED: Allow presentation of the annual report on the Curbside Recycling Program from the Director of Utilities.

CTION TAKEN:
CTION TAKEN:

- 6. ITEM: CONSIDERATION OF ORDINANCE NO. O-0910-34 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 14-411(D) AND 14-507 TO CHAPTER 14 OF THE CODE OF THE CITY OF NORMAN TO INCREASE MUNICIPAL COURT COSTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.
  - INFORMATION: The above-described ordinance is submitted for Introduction and adoption upon First Reading by title, and subsequent thereto, for submission for City Council's final consideration in its meeting of May 25, 2010. Copies of an advisory memorandum; ordinance; and legislatively notated copy of the ordinance are included in the Agenda Book.
  - ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-0910-34 upon First Reading by title.

ACTION TAKEN:	





DATE:

April 19, 2010

TO:

The Honorable Mayor and Councilmembers

FROM:

Ronda Guerrero, Municipal Court Clerk

**SUBJECT:** 

AGENDA ITEM— Ordinance No. O-0910-34 Amending

Sections 14-311(d) and 14-507 of Chapter 14 of the Code of

the City of Norman

# **BACKGROUND:**

On March 23, 2010 Council unanimously approved an amendment to Norman City Code §14-310(e) which is the section that assesses court costs in approximately ninety-nine percent of Municipal Court cases. That Ordinance increases court costs to \$30.00. There are two sections of the Norman Municipal Code that have assessment of costs provisions specific to those sections. Court costs are assessed under these two provisions as follows: §14-311(d) when a vehicle is impounded or a bench warrant is ordered to enforce a parking citation; and §14-507 in jury trials where a defendant receives a guilty conviction.

# **DISCUSSION:**

This item is routine and as noted above, Ordinance No. O-0910-34 amends Chapter 14 Sections 311(d) and 507 of the Norman City Code to bring cost assessments for these sections in line with the increase approved by City Council on March 23, 2010.

# **RECOMMENDATION:**

Staff recommends the provisions applicable to these specific violations be amended to conform to the court costs changes approved by Council on March 23, 2010. The Ordinance now comes before Council for consideration.

Reviewed by: Steve Lewis, City Manager

Phil Cotten, Police Chief

Jeff Harley Bryant, City Attorney

cc:

Brenda Hall, City Clerk

#### O-0910-34

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 14-311 (d) AND 14-507 TO CHAPTER 14 OF THE CODE OF THE CITY OF NORMAN TO INCREASE MUNICIPAL COURT COSTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 14-311 (d) of Chapter 14 of the Code of the City of Norman shall be amended to read as follows:

Sec. 14-311. Traffic violations; parking.

(a) A police officer making a complaint against any person for the violation of a provision of the parking provisions of the Code of the City, wherein the driver is not present, shall place the citation in or upon the vehicle in a conspicuous place.

\* \* \*

(d) Where a vehicle is impounded or a bench warrant is ordered to enforce Article VIII, Chapter 20 of this Code, additional administrative costs of thirty dollars (\$30.00) shall be assessed each for impoundment and bench warrant.

\* \* \*

§ 2. That Section 14-507 of Chapter 14 of the Code of the City of Norman shall be amended to read as follows:

Sec. 14-507. Costs.

Upon sentencing the defendant, the Judge may also assess costs in an amount not to exceed thirty dollars (\$30.00) which shall be assessed and collected by the Court Clerk, in addition to any possible fees, jail incarceration costs, mileage, or fine that may be imposed.

O-0910-34 Page 2

City Clerk

§ 3.

	and such holding	shall not affect the validieffective date provision	a separate, distinct, and independ ity of the remaining portions of shall not be severable from	this ordinance,
ADOF	PTED this	_ day	NOT ADOPTED this	day
of		, 2010.	of	, 2010.
——— Mayor			Mayor	
ATTE	ST:			

Severability. If any section, subsection, sentence, clause, phrase, or portion of this

ordinance is, for any reason, held invalid or unconstitutional by any court of competent

#### O - 0910 - 34

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 14-311 (d) AND 14-507 TO CHAPTER 14 OF THE CODE OF THE CITY OF NORMAN TO INCREASE MUNICIPAL COURT COSTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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(a) A police officer making a complaint against any person for the violation of a provision of the parking provisions of the Code of the City, wherein the driver is not present, shall place the citation in or upon the vehicle in a conspicuous place.

\* \* \*

(d) Where a vehicle is impounded or a bench warrant is ordered to enforce Article VIII, Chapter 20 of this Code, additional administrative costs of twenty-five thirty dollars (\$25 30.00) shall be assessed each for impoundment and bench warrant.

\* \* \*

§ 2. That Section 14-507 of Chapter 14 of the Code of the City of Norman shall be amended to read as follows:

Sec. 14-507. Costs.

Upon sentencing the defendant, the Judge may also assess costs in an amount not to exceed twenty-five thirty dollars (\$25-30.00) which shall be assessed and collected by the Court Clerk, in addition to any possible fees, jail incarceration costs, mileage, or fine that may be imposed.

\* \* \*

§ 3.	Severability. If any section, subsection, sentence, clause, phrase, or portion of this
	ordinance is, for any reason, held invalid or unconstitutional by any court of competent
	jurisdiction, such portion shall be deemed a separate, distinct, and independent provision,
	and such holding shall not affect the validity of the remaining portions of this ordinance,
	except that the effective date provision shall not be severable from the operative
	provisions of the ordinance.

ADOPTED this	day	NOT ADOPTED this	day
of	, 2010.	of	, 2010.
Mayor		Mayor	,
ATTEST:			
City Clerk			

7. ITEM: CONSIDERATION OF THE MAYOR'S APPOINTMENTS OF PAMELA NORMILE AND MARK PELFREY TO THE SOCIAL AND VOLUNTARY SERVICES COMMISSION.

SOCIAL AND VOLUNTARY SERVICES COMMISSION

TERM: 05-11-10 TO 12-09-13: PAMELA NORMILE, 3713 WINDOVER DRIVE TERM: 05-11-10 TO 12-09-13: MARK PELFREY, 5814 HICKORY BEND DRIVE

INFORMATION: In accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. Pamela Normile will fill the unexpired vacancy left by Katie Fitzgerald and Mark Pelfrey will fill the unexpired vacancy left by Ann Way.

ACTION NEEDED:	Motion to confirm or reject the appointments.
ACTION TAKEN:	

- 8. ITEM: SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF MARCH, 2010, AND DIRECTING THE FILING THEREOF.
  - INFORMATION: The above-described item appears on City Council's agenda in order that acknowledgment of the receipt of the reports may be noted in the minutes as a matter of permanent record. Copies of the reports are included in the Agenda Packet or transmitted electronically.

ACTION NEEDED:	Motion to acknowledge receipt of the reports and direct the filing thereof.
ACTION TAKEN:	

9. ITEM: SUBMISSION OF THE THIRD INCLUSIVE COMMUNITY REPORT SUBMITTED BY THE HUMAN RIGHTS COMMISSION.

INFORMATION: City Council, in its meeting of July 22, 2008, adopted Resolution No. R-0809-12 to participate in the National League of Cities' Partnership Working toward Inclusive Communities. On October 26, 2009, Norman's Third Inclusive Community Discussion, sponsored by the Human Rights Commission, was held at Saint Joseph's Catholic Church. The Inclusive Community Report prepared by the Human Rights Commission includes examples of perceptions from participants and is submitted for Council's consideration. A copy of the inclusive community report is included in the Agenda Book.

ACTION NEEDED:	Motion to acknowledge receipt of the report and direct the filing thereof.
ACTION TAKEN:	



**TO:** Mayor and Council

**FROM:** Norman Human Rights Commission

**DATE:** May 3, 2010

**SUBJECT:** Norman's Third Inclusive Community Discussion

Norman's third Inclusive Community Discussion (ICD) was hosted by St. Joseph's Catholic Church on October 26th, 2009, and was sponsored by the Human Rights Commission. For this session, a concerted effort was made to reach out to the Hispanic community to solicit their participation and input. As in previous ICD's, the goal was to provide a forum for Norman's residents to discuss whether they feel respected and represented in the business, education and social sectors, and whether Norman is taking advantage of the economic and social opportunities represented by diversity. Approximately thirty residents attended along with members of the Human Rights Commission and City Staff. Three discussion groups were formed, including one Spanish-speaking group. The topics were similar to those previously used: Economic Opportunity; Housing; Public Safety; Transportation; Human Services; and Education. This report attempts to capture the opinions and perceptions of the participants.

# **Economic Opportunity**

Participants expressed considerable concern about jobs and economic opportunity in Norman, particularly for Hispanics. These concerns relate to real or perceived racial/ethnic discrimination, lack of sufficient diversity awareness by employers, recession-related issues, and documentation of immigrants.

There is also a perception that a disparity exists between Norman's middle class and working poor. Norman wants to appear to be open and welcoming, but economic segregation is as much a concern as racial segregation. An observation was made that the number of people struggling is underestimated, and that this population is invisible.

There is a need for greater diversity awareness in hiring practices, particularly among smaller employers. Larger employers have a greater tendency toward being bilingual. Recession-related job loss is particularly high among Hispanics. There is the perception of being targeted or dismissed from jobs with no grievance process. A number of comments were made concerning documentation (or absence of) as a significant factor in lack of employment, job loss, low pay, and lack of any recourse. Those without papers have greater difficulty than those who have documentation.

Several comments were made concerning how the lack of information and resources, after school language programs for adults and children, and literacy tutors impacts economic opportunity. This reflects both a lack of resources and inadequate publicity of resources to non-native speaking residents.

There is a perception that immigrants are excluded from planning and opportunities. There is a public perception that illegal immigrants drive up the cost of health care, and that is seen as an unfair characterization.

# Housing

A number of participants expressed concerns related to housing shortages or inadequacies for homeless adults, youth, mental health clients, and other vulnerable populations. Several people agreed that more housing for battered women is needed as well as the need for more housing for mental health clients.

There is an overall perception of a "NIMBY" (not in my backyard) attitude with respect to public housing. Several participants commented that there is a lack of mixed neighborhoods in Norman, as well as clustering of "like values."

# **Public Safety**

Most of the comments about public safety were generally positive and reflect the community's positive reaction to the department's community policing initiatives. Representatives of the police stated that their officers strive to be community minded and dedicated. In addition to their other efforts to reach out to the community, they have three working languages on the force: English, Spanish, and Vietnamese.

There were suggestions on some areas in which police might consider focusing future community policing efforts. For example, two residents specifically requested that police increase their presence in the Kennedy Elementary area. One other citizen encouraged police to step up their interaction with elementary children in an effort to improve relationships and create more of a perception that police are here to help, not just to punish. Another suggested making an effort to recruit more Hispanic officers.

# **Transportation**

There was a consensus that accessibility really needs to be addressed throughout Norman, not just in the central part of town. Public transportation is not just for the poor; long-range planning for the city must include mass transit that serves and moves the more prosperous areas of the city, as well.

# Accessibility

There were a number of comments from and about immigrants and non-English speaking residents who have difficulty dealing with businesses and city government. Some of the suggestions offered for improving accessibility to services included creation of a method whereby complaints and suggestions could be made

anonymously; a regular section of the local newspaper written in Spanish; more City of Norman staff members, who are themselves members of racial minority groups, to work on issues related to diversity; and opportunities for Human Relations graduate students to do internships working on Human Rights and Inclusive Community initiatives.

#### Education

Language barriers and racial segregation are still perceived as problems, particularly by members of minority groups. In spite of the number of non-native speaking students, there is a lack of bilingual classes, and there is no forum to really integrate the cultures in our schools. There is a need for ESL immersion programs for adults and children in Norman, and possibly the need for more tutors/instructors to meet the demand.

Some suggested that the city should offer racial and cultural sensitivity opportunities to Norman residents, community leaders, and employees. Although the participants generally praised the police department's community policing efforts, there were also comments that the department – and the city as a whole -- should continue and strengthen ethnic and cultural sensitivity training.

#### **Action Plan**

The Norman Human Rights Commission will continue its efforts to reach out to the community and meet with citizen groups, social service agencies, business and others to examine the specific challenges that were discussed in the Inclusive Community Dialogue.

The Commission will continue the Inclusive Community Dialogue process with a meeting on April 12, 2010 to be held at the Little Axe Elementary School with residents of east Norman.

The Human Rights Commission will continue its role, as set forth in municipal ordinance section 7-102, including but not limited to:

- (1) To study problems of discrimination in any or all fields of human relations and to encourage fair treatment and mutual understanding among all citizens; and to combat those misconceptions, prejudices and stereotypes that tend to prevent individuals from reaching their full potential as human beings;
- (2) To cooperate with interested citizens, private agencies, and the agencies of local, state, and federal governments in the promotion of human rights.

The Commission encourages the City Council, city employees, and other institutions and residents of the City of Norman to think about the perceptions expressed by those who participate in the Inclusive Community Dialogue process. In the minds of our

3

neighbors, perception is reality, and where there is an opportunity to improve, we should take advantage of that opportunity.

The Human Rights Commission will continue its efforts to establish collaborative relationships to support initiatives related to human rights issues. As the Human Rights Commission moves through their process, they will keep Norman City Council informed.

- 10. ITEM: CONSIDERATION OF THE DECLARATION OF EQUIPMENT AS SURPLUS AND/OR OBSOLETE AND OF AUTHORIZATION FOR THE SALE THEREOF.
  - INFORMATION: Section 8-301 of the Code of the City of Norman provides that "The City Council must declare surplus or obsolete any supplies, materials, or equipment where the valuation exceeds one thousand dollars (\$1,000.00) prior to the selling of such supplies, materials, or equipment." Copies of an advisory memorandum and Inventory of Goods to be Auctioned are included in the Agenda Book.
  - ACTION NEEDED: Motion to declare the equipment to be surplus and/or obsolete; and, if so declared, authorize the sale thereof.

ACTION TAKEN:				



Date:

April 21, 2010

To:

Honorable Mayor and Councilmember's

From:

Frederick L. Duke, Procurement Analyst D

Through:

Anthony Francisco, Finance Director A. Francisco

Subject:

Agenda Item—Declaration of Surplus and/or

Obsolete Equipment

### **Background:**

Section 8-301 of the Code of Ordinances of the City of Norman provides that "The City Council must declare surplus or obsolete any supplies, materials, or equipment where the valuation exceeds one thousand dollars (\$1,000) prior to the selling of such supplies, materials, or equipment." An RFP (0607-06) for Auction Services was done in FY06-07 with Rosenfelt Auction Service receiving the contract. The contract was for one year, the City reserved the right to extend the contract for up to three one year periods, providing both parties agree to the extension. This is the last year of the contract. The Auction will be conducted by Rosenfelt Auction Service. Rosenfelt Auction Service upon sale of any item sold will retain as total commission and compensation 15% of gross sales less sales tax. All items sold at auction are understood to be sold as is. The auction is scheduled for June 12, 2010.

### **Discussion:**

The attached list is the supplies, materials, or equipment identified as surplus or obsolete, and is therefore being prepared for sale at auction.

### **Recommendation:**

It is recommended that the attached list of supplies, materials, or equipment be declared surplus or obsolete, and approved for sale at public auction.

Reviewed by: Steve Lewis, City Manager Reviewed by: Clint Mercer, Chief Accountant (

Reviewed by: Jeff Bryant, City Attorney

REVIEWED BY ACCOUNTING

Fleet Management Division

DEPARTMENT

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\*Please indicate if vehicles have been wrecked, burned or are in working order.

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BOC

Department Public Works
Signature

Approve

Approved by Tree Like

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\*GOOD - FAIR - POOR - Please indicate if vehicles have been wrecked, burned or are in working order.

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\*GOOD – FAIR – POOR – Please indicate if vehicles have been wrecked, burned or are in working order.

12-30-08	Asset Tag No.	MA												
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INVENTORY OF GOODS TO BE AUCTIONED  Approved	Armies Swind Description	Highback swived desk chair, comp												
7	14	Chair												
Department Signature	CONDITION*	Fair											10-	.5

\*GOOD - FAIR - POOR - Please indicate if vehicles have been wrecked, burned or are in working order.

0220

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RY OF GOODS TO BE	
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office)	**************************************
Pocress.	
(KS:	Benet
US.	
Department	Signature

Approved by Purchasing Agent

E Y	Asset 1 ag No.											
SERIAL MIMBER	CAN	X > 2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2	1101066 653	くっととしている								
DETAILED DESCRIPTION	10.5%   14   15   15   15   15   15   15   15	CONCOLAR HOUSE LAND CONCOL										
ITEM AND YEAR	555	LI KANDEN II			٠							
CONDITION*	75137 )	J. C. C.	);;;;;(t	~		-						

# \*GOOD – FAIR – POOR – Please indicate if vehicles have been wrecked, burned or are in working order.

Approved by Tree Jule 16-29
Purchasing Agent Department Ruks + Recreation Signature

Asset Tag No. SERIAL NUMBER SCC113AF 8×1213664 とつろり RD GSSAU 3.3 amps 400 Watts Applifier (Pic 1982) DETAILED DESCRIPTION AC 682 They Carette Reacter KM Move frejector Speakerr with 4 Shere AMP WILL にろら HOKUSHIN MOVIE ITEM AND YEAR Casiate Recorder Speakers Mercie CONDITION\* (CC) Wason lot Frint old Shilleng 10-7

\*GOOD - FAIR - POOR - Please indicate if vehicles have been wrecked, burned or are in working order.

1-8-09		Asset Tag No.									-								
Approved by Approv	rurchasing Agent	SERIAL NUMBER	(2985	BCF08Y0254K															
INVENTORY OF GOODS TO BE AUC	Many	AR DETAILED DESCRIPTION	Ē		Beige Metas Manitor Stand/Arm														
nt	1 1	*NO			FAIR MONITOR Stand														
Depa	orginature		2 6	21	4												14	0-8	

\*GOOD - FAIR - POOR - Please indicate if vehicles have been wrecked, burned or are in working order.

Department Norman Police Department

Signature

Approved by Ticolouck L (Link 5/3708)
Purchasing Agent

Asset Tag No. NA SERIAL NUMBER NA NANA NA NA NA NA NA NA NA 46x20, metal, laminate top, w/ 2 drawer file 46x20, metal, laminate top, w/2 drawer file **DETAILED DESCRIPTION** 4 drawer, letter size, 29" deep 4 drawer, letter size, 29" deep 4 drawer, letter size, 25" deep 4 drawer, letter size, 28' deep 60x36, metal, laminate top  $34 \text{ w} \times 12 \text{ d} \times 41 \text{ h}$ 36w x 12 d x 84 h ITEM AND YEAR File cabinet, yr unk Desk, student, 1982 Desk, student, 1982 File cabinet, yr unk File cabinet, yr unk File cabinet, yr unk Desk, office, 1982 Bookcase, yr unk Keyboard drawer Shelf, metal CONDITION\* Good Poor Fair Fair Fair Fair Fair Fair Fair Fair

\*GOOD - FAIR - POOR - Please indicate if vehicles have been wrecked, burned or are in working order.

pproved by	Purchasing Agent
Annroved	Lamble
Department Planning	Signature Signature

Asset Tag No.																
SERIAL NUMBER																
DETAILED DESCRIPTION	Steeleuse Secretary Dosk	Left Roburn, Puthy color	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \													
ITEM AND YEAR	Desk															
CONDITION*	raw								-							

\*GOOD - FAIR - POOR - Please indicate if vehicles have been wrecked, burned or are in working order.

### REVIEWED BY ACCOUNTING LINVENTURY OF GUODS TO BE AUCTIONED

DEPARTMENT Municipal Court

SIGNATURE

CITY UNIT NO. SERIAL NUMBER Auditorium style seating, blue padded DETAILED DESCRIPTION seat and back, metal pan ITEM AND YEAR 12 chairs, 1982 \*Good, Fair, Poor CONDITION\* Fair 10-11

\*Please indicate if vehicles have been wrecked, burned or are in working order.

### LINVELLIURY OF GOODS TO BE AUCTIONED

DEPARTMENT Municipal Court SIGNATURE

REVIEWED BY ACCOUNTING TWEE U

CITV HNIT NO	CITT CITT NO.														-	
SERIAL NIIMBER																
DETAILED DESCRIPTION	5-drawer heavy duty, green	(drawers are 7" tall x 16" wide)		4-drawer lateral, putty	(1 drawer is broken)											
ITEM AND YEAR	2 – file cabinets			1 – file cabinet												
CONDITION*	Good		Door	FOOF											0-1	

<sup>\*</sup>Good, Fair, Poor \*Please indicate if vehicles have been wrecked, burned or are in working order.

C:\Users\fduke\AppData\Local\Microsoft\Windows\Temporary Internet Files\OLK7722\AUCTION Items 02-16-09.doc

### INVENTORY OF GOODS TO BE AUCTIONED

Department Public Works/Streets Division

Greg Hall, Street Superintendent 02-16-09

Signature

Approved by Liebersch Unde L-18-09

LOT NO. SERIAL NUMBER Canon No. 236739 S/N 900 811415 S/N 1112388 No. 551 (2) each Hook to table or desk (Beige in color) Series II Typewriter (Purchased (04-05-93) DETAILED DESCRIPTION Attached together - Gray metal color Appear to be an inter-office system (2) Half Room dividers with shelf Purchased in late 1980's (Paper holder broke off) Notebooks/Fie Draws Various items (Inoperable) Tandy Power Switching Computer Accessories Oxford Copy Holders ITEM AND YEAR **IBM Wheelwriter 35** GBC Pro Laminator 6 Motorola Phones 3-Legal File Trays Canon Calculator Office Supplies Room Dividers System CONDITION\* Poor Poor Poor Fair Fair Fair Fair Fair Fair

\*GOOD – FAIR – POOR – Please indicate if vehicles have been wrecked, burned or are in working order.

ONED		proved by 12/2/2	Purchasing Agent	
INVENTORY OF GOODS TO BE AUCTION		MAY		
- (**)	Department $\frac{\mu \omega \mu c}{\mu \omega \mu c}$	Signature .	To the Court of	

Accot Toa No	Asset Lag Ivo.						-								
SERIAL NIMBER		98													
DETAILED DESCRIPTION	Anony in 3 Ct	Course Higher top & two by they pur													
	Computer class			4											
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\*GOOD – FAIR – POOR – Please indicate if vehicles have been wrecked, burned or are in working order.

\*GOOD - FAIR - POOR - Please indicate if vehicles have been wrecked, burned or are in working order.

Department City of Norvices File an Ce.
Signature

Approved by Fuchasing Agent

Asset Tag No. SERIAL NUMBER Mallox Mallox Je//9/ 25 Vellow かいし ひんれる ジがあ いんがため DETAILED DESCRIPTION - 1,2/4,40 - W/W/-The City of Konway Kissisian of there Street un den De 55 345 5.40cm 2446 いたん tile 5/000 Stove Stove あたなのでなど しないなられるとしてない。 してんなのいない の下、ないですが のたべずいない Electric Clastic ( Blochwc びのよるこ のでもい Clar the ITEM AND YEAR CONDITION\* (300 b JOSEP C XX 1870 11.25 では、 101 100 0000 3 100

\*GOOD - FAIR - POOR - Please indicate if vehicles have been wrecked, burned or are in working order.

- 11. ITEM: CONSIDERATION OF THE ACCEPTANCE OF A DONATION OF 1,570 BATTERIES VALUED AT \$3,000 FROM RAYOVAC BATTERY CORPORATION AND BATTERIESPLUS TO BE USED BY THE POLICE DEPARTMENT.
  - INFORMATION: Rayovac Corporation and BatteriesPlus have donated 1,570 batteries valued at \$3,000 to be used by the Police Department. Section 8-111 of the City Code states that any donation valued above \$250.00 to be received by the City of Norman, whether in the form of monies or any other thing of value, shall be required to be accepted by the Council of the City of Norman prior to any use or disbursement. In accordance therewith, the above-described item is submitted for City Council's consideration. A copy of an advisory memorandum is included in the Agenda Book.
  - ACTION NEEDED: Motion to accept or reject a donation of 1,570 batteries valued at \$3,000 from Rayovac Corporation and BatteriesPlus to be used by the Police Department.

ACTION TAKEN:			



Date:

**April 20, 2010** 

To:

**Honorable Mayor and City Council Members** 

From:

Phil Cotten

Chief of Police

Subject:

**Acceptance of Donation** 

### **DISCUSSION**

The Rayovac Battery Corporation and BatteriesPlus have donated fifteen hundred and seventy batteries to the police officers of the Norman Police Department. The batteries are 3.0 V part number 123A Rayovac Lithium batteries and are valued at approximately \$3,000. Both companies have asked that each officer receive ten batteries to be used in their flashlights and associated equipment. The companies have given this donation to numerous other law enforcement agencies around the country.

### RECOMMENDATION

It is recommended that the City of Norman gratefully accept the donation from the Rayovac Battery Corporation and BatteriesPlus Company. accepted, the batteries would then in turn be given to each officer as intended.

PC/dt

Reviewed by:

Steve Lewis, City Manager Jeff H. Bryant, City Attorney Joy 7743

Anthony Francisco, Finance Director A. Francisco

- CONSIDERATION OF ACCEPTANCE OF PERMANENT UTILITY EASEMENT 12. ITEM: NOS. E-0910-56 AND E-0910-58 AND TEMPORARY CONSTRUCTION EASEMENT NOS. E-0910-57 AND E-0910-59 BY JOLYNN O'SHEA-WALKER AND MARK EDWARD WALKER IN THE AMOUNT OF \$3,050; PERMANENT UTILITY EASEMENT NO. E-0910-60 AND TEMPORARY CONSTRUCTION EASEMENT NO. E-0910-61 FROM LOUIS AND JAMIE BRUEHL IN THE AMOUNT OF \$9,605; PERMANENT UTILITY EASEMENT NO. E-0910-62 DONATED BY ZACK R. MCCAIN, JR., AND MARY JANE MCCAIN; PERMANENT UTILITY EASEMENT NO. E-0910-64 DONATED BY LEO D. AND BERTIE F. SNOW; PERMANENT UTILITY EASEMENT NO. E-0910-66 AND TEMPORARY CONSTRUCTION EASEMENT NO. E-0910-67 BY DANIEL L. BRUEHL, JR., AND FRANCES C. BRUEHL IN THE AMOUNT OF \$950; PERMANENT UTILITY EASEMENT NO. E-0910-68 DONATED BY DEBORAH ANN CASE; AND PERMANENT UTILITY EASEMENT NO. E-0910-70 AND TEMPORARY CONSTRUCTION EASEMENT NO. E-0910-71 BY JACOB W. AND MONA M. FREDRICKSON IN THE AMOUNT OF \$1,275 IN CONNECTION WITH THE RAW WATER LINE PROJECT.
  - INFORMATION: Phase I of the Raw Water Line Project extends east from the Water Treatment Plant to 60th Avenue N.E. The project requires obtaining several easements to make the necessary improvements. Donations were requested prior to determining appraisal values. The easements were appraised and offers of fair market value were made. The Assistant City Attorney and Utilities Department have examined the easements and found them to be in order and proper as to form. Based upon the fact the easements have been dedicated to the City of Norman for water line improvements in the above-mentioned project, Staff recommends acceptance of the easements. Copies of an advisory memorandum, easements, and location maps are included in the Agenda Book.
  - ACTION NEEDED: Acting as the City Council and Norman Utilities Authority, motion to accept or reject the easements; and, if accepted, direct the filing of the permanent easements with the Cleveland County Clerk and the temporary easements with the City Clerk and authorize payment for the easements where applicable.

ACTION TAKEN:				



**DATE**: April 13, 2010

**TO**: Mayor and Council of City of Norman

FROM: Chris Mattingly, Utilities Superintendent

**SUBJECT**: Agenda Item: Acquisition of Permanent and Temporary Easements for the

Raw Water Line Project (WB0051)

**BACKGROUND**: Phase I of the Raw Water Line project extends east along Robinson from the water treatment plant just west of 36<sup>th</sup> Avenue NE to approximately 60<sup>th</sup> Avenue NE. It includes approximately 11,900 linear feet (L.F.) of 48-inch pipe installed by open trench method. Staff and the ODEQ have approved final plans and specifications for this project and bids will be opened once easement acquisitions are final.

**DISCUSSION**: The following table lists the third group of easements acquired to date for the project. This brings our total to 22 acquired of the 26 necessary. Staff was assisted by Garver Engineers and Pinnacle Consulting Management Group, Inc. in preparing the easement descriptions and negotiating easement acquisition costs. Staff has reviewed the easement agreements and recommends that the City of Norman accept the following temporary and permanent easements:

Easement No.	Grantor	Easement	Cost
E-0910-56	Mark Edward Walker and Jolynn	Permanent Utility Easement	\$0
	O'Shea Walker		
E-0910-57	(Parcel #16) Mark Edward Walker and Jolynn	Temporary Construction	\$1,625
E-0910-57	O'Shea Walker	Easement	\$1,023
	(Parcel #16)	Lasement	
E-0910-58	Mark Edward Walker and Jolynn	Permanent Utility Easement	\$0
	O'Shea Walker		
	(Parcel #17)		
E-0910-59	Mark Edward Walker and Jolynn	Temporary Construction	\$1,425
	O'Shea Walker	Easement	
E-0910-60	(Parcel #17) Louis Bruehl and Jamie Bruehl	Permanent Utility Easement	\$0
L-0710-00	(Parcel #18)	Termanent Ounty Lasement	<b>40</b>
E-0910-61	Louis Bruehl and Jamie Bruehl	Temporary Construction	\$9,605
	(Parcel #18)	Easement	•
E-0910-62	Zack R. McCain, Jr. & Mary Jane	Permanent Utility Easement	\$0
	McCain		
E-0910-64	(Parcel #23) Leo D. Snow and Bertie F. Snow	Downson and Likilita. E	Φ0
E-0910-04	(Parcel #24)	Permanent Utility Easement	\$0
E-0910-66	Daniel L. Bruehl, Jr. and Frances C.	Permanent Utility Easement	\$0
2 0 10 00	Bruehl	Territoria e unity Eusement	ΨΨ
	(Parcel #26)		
E-0910-67	Daniel L. Bruehl, Jr. and Frances C.	Temporary Construction	\$950
	Bruehl	Easement	

	(Parcel #26)		
E-0910-68	Deborah Ann Case	Permanent Utility Easement	\$0
	(Parcel #13)		
E-0910-70	Jacob W. and Mona M. Fredrickson	Permanent Utility Easement	\$0
	(Parcel #22)	-	
E-0910-71	Jacob W. and Mona M. Fredrickson	Temporary Construction	\$1,275
	(Parcel #22)	Easement	
		Total	\$14,880

Unencumbered funds in the amount of \$37,732 are available in the Raw Water Line Project (WB0051), Land and ROW Account (031-9356-462.60-01).

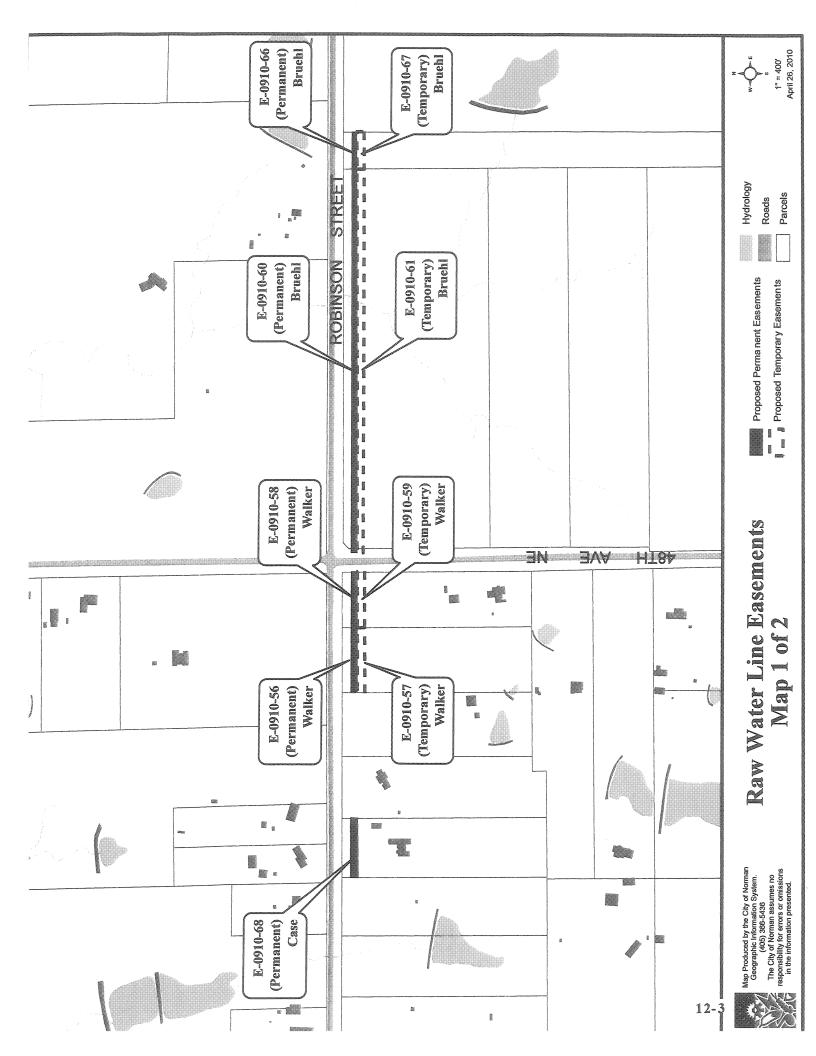
**RECOMMENDATION**: Staff recommends that the City of Norman approve the above listed temporary and permanent easements.

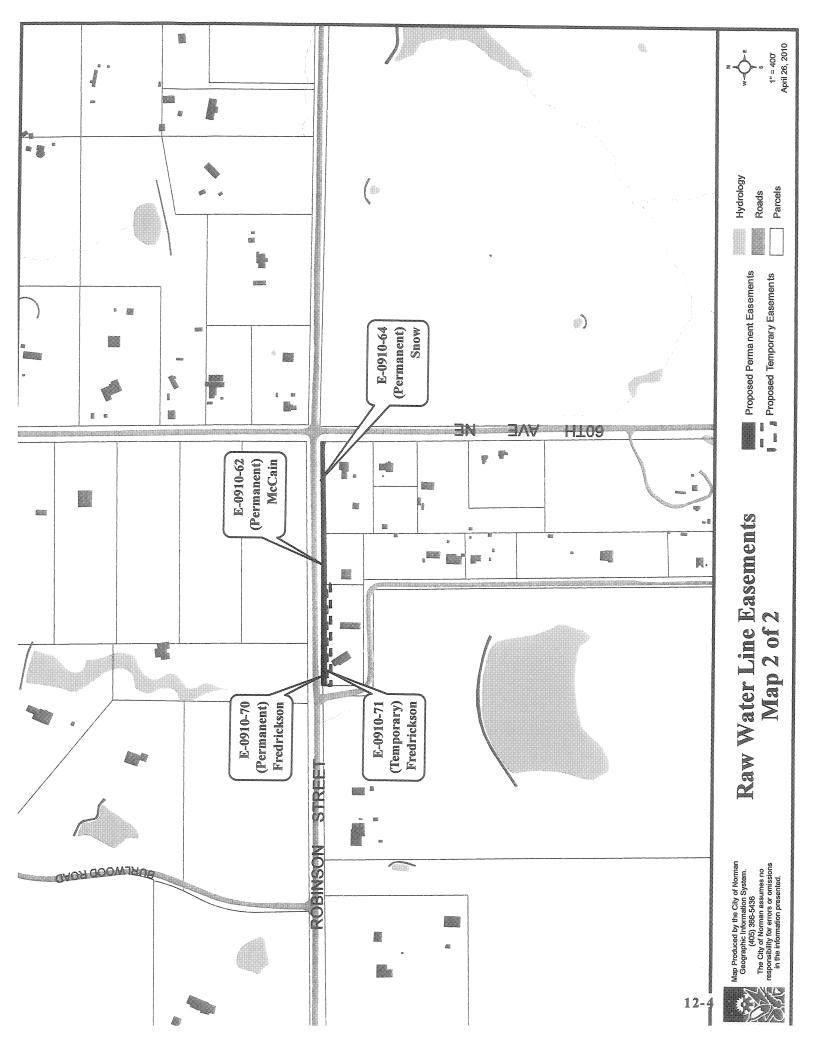
Reviewed by: Mark Daniels, Utilities Engineer Mark Daniels, Utilities Engineer Reviewed by: Kenneth Komiske, Utilities Director

Reviewed by: Linda Price, Revitalization Manager

Reviewed by: Susan Connors, Planning Director 57 C Reviewed by: Anthony Francisco, Director of Finance

Reviewed by: Jeff Bryant, City Attorney Kw Steve Lewis, City Manager





City Clerk

SEAL:

City of Norman RAW Waterline Phase 1 Parcel 16

### **GRANT OF EASEMENT**

### KNOW ALL MEN BY THESE PRESENTS:

THAT, <u>Jolynn O'Shea-Walker and Mark Edward Walker, wife and husband in consideration of the</u> sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A portion of the following easement south of the Robinson Street south right-of-way as recorded in Book 387 pages 251, Cleveland County, Oklahoma, being more particularly described as follows:

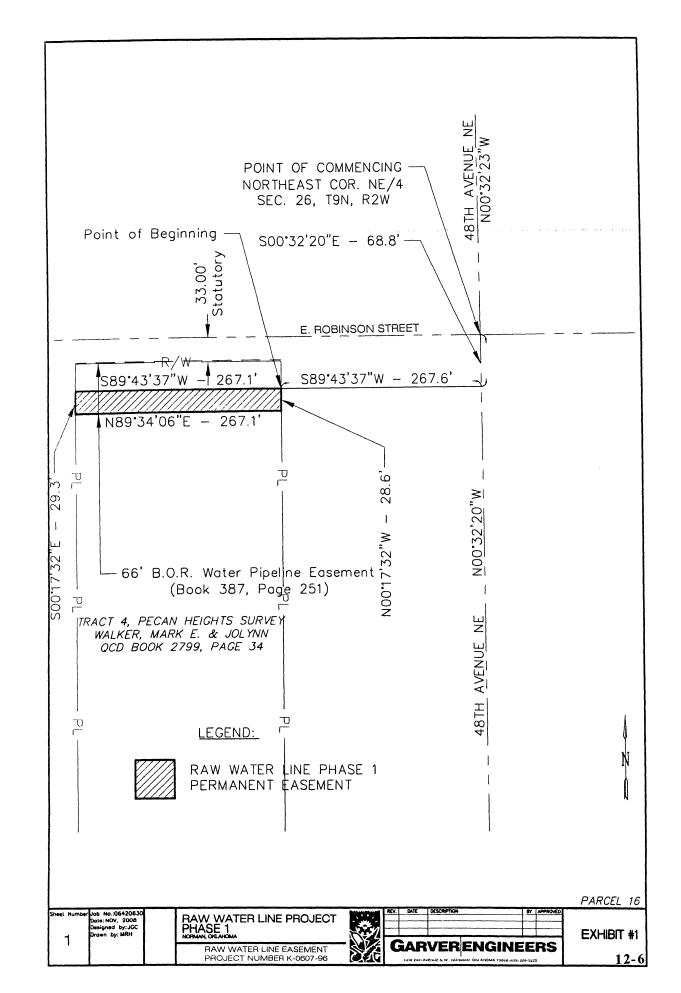
Commencing at the Northeast Corner of the Northeast Quarter of Section 26, T9N, R2W, I.M. Cleveland County, Oklahoma; Thence South zero degrees thirty-two minutes twenty seconds East (S00°32'20"E) along the east line of said NE/4 a distance of sixty-eight and eight tenths (68.8) feet; Thence South eighty-nine degrees forty-three minutes thirty-seven seconds West (S89°43'37"W) a distance of two hundred sixty-seven and six tenths (267.6) feet to a point on the east property boundary and Point of Beginning; Thence continuing South eighty-nine degrees fortythree minutes thirty-seven seconds West (S89°43'37"W) a distance of two hundred sixty-seven and one tenth (267.1) feet to a point on the west property boundary; Thence South zero degrees seventeen minutes thirty-two seconds East (S00°17'32"E) along the west property boundary a distance of twenty-nine and three tenths (29.3) feet to a point on the south easement line of the Norman Project Pipeline; Thence North eighty-nine degrees thirty-four minutes six seconds East (N89°34'06"E) along the south easement line of the Norman Project Pipeline a distance of two hundred sixty-seven and one tenth (267.1) feet to a point on the east property boundary; Thence North zero degrees seventeen minutes thirty-two seconds West (N00°17'32"W) along the east property boundary a distance of twentyeight and six tenths (28.6) feet to the Point of Beginning.

Contains 0.18 acres (7,728.3 square feet) more or less, as shown on the parcel map marked Exhibit "1" attached hereto and made a part hereof.

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating public raw water transmission lines.

To have and to hold the same unto the said City, its successors, and assigns forever.

SIGNED and delivered this 2 day of November , 2009.  BY: Jolykh O'Shea-Walker BY: Mark Etward Walker
REPRESENTATIVE ACKNOWLEDGMENT
STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:
Before me, the undersigned, a Notary Public in and for said County and State, on this day November of 2009, personally appeared Jolyan O'Shewt Mount Edurate use the known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that Hey executed the same as The free and voluntary act and deed for the uses and purposes therein set forth.
WITNESS my hand and seal the day and year last above written.  Witness my hand and seal the day and year last above written.  Witness my hand and seal the day and year last above written.  Witness my hand and seal the day and year last above written.  Notary Public
Approved as to form and legality this day of April , 2069.
Approved and accepted by the Council of the City of Norman, this day of, 2009.
ATTEST: Mayor



City of Norman RAW Waterline Phase 1 Parcel 16.1

### **TEMPORARY EASEMENT**

### KNOW ALL MEN BY THESE PRESENTS:

THAT, <u>Jolynn O'Shea-Walker and Mark Edward Walker</u>, wife and <u>husband</u>, in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant and convey unto the City of Norman, a municipal corporation, a temporary construction easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

### **Temporary Easement Description**

A temporary construction easement lying in the Northeast Quarter of Section 26, T9N, R2W, I.M. Cleveland County, Oklahoma. The thirty (30) foot wide temporary easement lying from a point on the east property line to a point on the west property line parallel and adjacent to the existing south United States Department of Interior Bureau of Reclamation water transmission line permanent easement as described below.

Temporary easement contains 0.18 acres (8,013 square feet) more or less, as shown on the parcel map marked Exhibit "A" attached hereto and made a part hereof.

### Permanent Easement for Raw Water Transmission Line Description

A portion of the following easement south of the Robinson Street south right-of-way as recorded in Book 387 pages 251, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of Section 26, T9N, R2W, I.M. Cleveland County, Oklahoma; Thence South zero degrees thirty-two minutes twenty seconds East (S00°32'20"E) along the east line of said NE/4 a distance of sixty-eight and eight tenths (68.8) feet; Thence South eighty-nine degrees forty-three minutes thirty-seven seconds West (S89°43'37"W) a distance of two hundred sixty-seven and six tenths (267.6) feet to a point on the east property boundary and Point of Beginning; Thence continuing South eighty-nine degrees fortythree minutes thirty-seven seconds West (S89°43'37"W) a distance of two hundred sixty-seven and one tenth (267.1) feet to a point on the west property boundary; Thence South zero degrees seventeen minutes thirty-two seconds East (S00°17'32"E) along the west property boundary a distance of twenty-nine and three tenths (29.3) feet to a point on the south easement line of the Norman Project Pipeline; Thence North eighty-nine degrees thirty-four minutes six seconds East (N89°34'06"E) along the south easement line of the Norman Project Pipeline a distance of two hundred sixty-seven and one tenth (267.1) feet to a point on the east property boundary; Thence North zero degrees seventeen minutes thirty-two seconds West (N00°17'32"W) along the east property boundary a distance of twentyeight and six tenths (28.6) feet to the Point of Beginning.

Contains 0.18 acres (7,728.3 square feet) more or less, as shown on the parcel map marked Exhibit "1" attached hereto and made a part hereof.

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public raw water transmission lines.

To have and to hold the same unto the said City, its successors, and assigns, until official completion of construction of the proposed project pertinent to the above described parcel.

SIGNED and delivered this 1 day of Normber, 2009

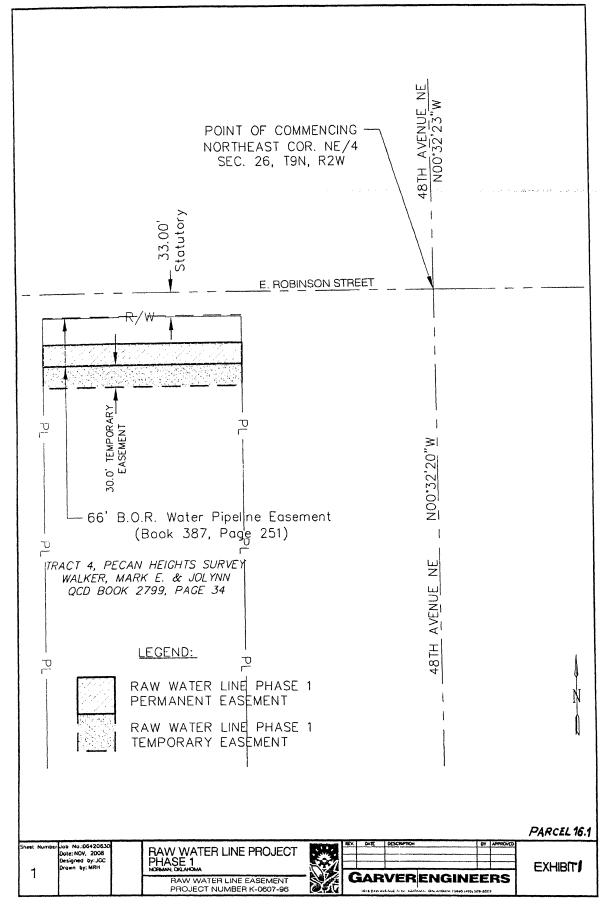
SY: Jo Lynn O'Shea-Walker

BY: Mark Edward Walker

### REPRESENTATIVE ACKNOWLEDGMENT

### STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this day of Notable. 2001, personally appeared John Dishall Mank.  Chund was to me known to be the identical person(s) who effected the foregoing grant of easement and acknowledged to me that here executed the same as the free			
and voluntary act and deed for the uses and purposes therein setforth.  WITNESS my hand and seal the day and year last above written.  Witness my hand and seal the day and year last above written.  Notary Public  My Commission Expires:			
	roved as to form and legality this Zib day of April, 20 0.  City Attorney  roved and accepted by the Council of the City of Norman, this day, 20		
ATTEST:	Mayor Mayor		
SEAL:			
	<ul> <li>A control of the second of the</li></ul>		
	en en generale de la composition de la La granda de la composition de la comp		



City of Norman RAW Waterline Phase 1 Parcel 17

### **GRANT OF EASEMENT**

### KNOW ALL MEN BY THESE PRESENTS:

SIGNED and delivered this

THAT, <u>Mark Edward Walker and Jolynn O'Shea-Walker, husband and wife</u> in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A portion of the following easement south of the Robinson Street south right-of-way as recorded in Book 387 page 251, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of Section 26, T9N, R2W, I.M. Cleveland County, Oklahoma; Thence South zero degrees thirty-two minutes twenty seconds East (S00°32'20"E) along the east line of said NE/4 a distance of sixty eight and eight tenths (68.8) feet; Thence South eighty-nine degrees forty-three minutes thirty-seven seconds West (S89°43'37"W) a distance of thirtythree and no tenths (33.0) feet to a point on the west right-of-way line of 48th Ave. NE and the east property boundary and the Point of Beginning; Thence South eightynine degrees forty-three minutes thirty-seven seconds West (S89°43'37"W) a distance of two hundred thirty-four and six tenths (234.6) feet to a point on the west property boundary; Thence South zero degrees seventeen minutes thirty-two seconds East (S00°17'32"E) along the west property boundary a distance of twentyeight and six tenths (28.6) feet to a point on the south easement for the Norman Project Pipeline; Thence North eighty-nine degrees thirty-four minutes six seconds East (N89°34'06"E) along the south easement line for the Norman Project Pipeline a distance of two hundred thirty-four and seven tenths (234.7) feet to a point on the west right-of-way line of 48th Ave. NE and the east property boundary; Thence North zero degrees thirty-two minutes twenty seconds West (N00°32'20"W) along the west right-of-way line of 48th Ave. NE and the east property boundary a distance of twentyseven and nine tenths (27.9) feet to the Point of Beginning.

Contains 0.15 acres (6,626.6 square feet) more or less, as shown on the parcel map marked Exhibit "1" attached hereto and made a part hereof.

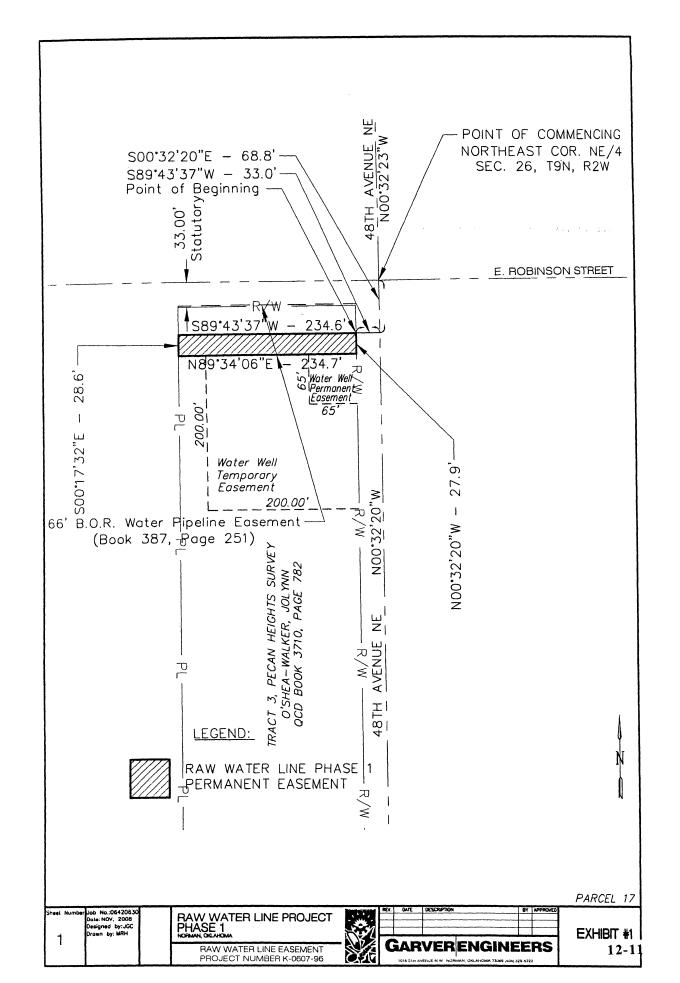
with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating public raw water transmission lines.

\_ day of November , 2009.

To have and to hold the same unto the said City, its successors, and assigns forever.

BY:	Mark Sowerd Walker	By: John O'Shea-Walker  Jolyth O'Shea-Walker
	REPRESENTAT	TIVE ACKNOWLEDGMENT
STATE	OF OKLAHOMA, COUNTY OF CLEVE	LAND, SS:
to me l acknov uses a	cnown to be the identical person(s) who evedged to me that executed the had purposes therein set forth.  WITNESS my hand and seal the days	executed the foregoing grant of easement and eed for the property and voluntary act and deed for the property and the propert
My Cor	mmission Expires: 4/27//	OF OTHER DUENES

City Clerk SEAL:



City of Norman RAW Waterline Phase 1 Parcel 17.1

### **TEMPORARY EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

THAT, <u>Mark Edward Walker and Jolynn O'Shea-Walker, husband and wife,</u> in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant and convey unto the City of Norman, a municipal corporation, a temporary construction easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

**Temporary Easement Description** 

A temporary construction easement lying in the Northeast Quarter of Section 26, T9N, R2W, I.M. Cleveland County, Oklahoma. The thirty (30) foot wide temporary easement lying from a point on the east property line to a point on the west property line parallel and adjacent to the existing south United States Department of Interior Bureau of Reclamation water transmission line permanent easement as described below.

Temporary easement contains 0.16 acres (7,041 square feet) more or less, as shown on the parcel map marked Exhibit "A" attached hereto and made a part hereof.

Permanent Easement for Raw Water Transmission Line Description

A portion of the following easement south of the Robinson Street south right-of-way as recorded in Book 387 page 251, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of Section 26, T9N, R2W, I.M. Cleveland County, Oklahoma; Thence South zero degrees thirty-two minutes twenty seconds East (S00°32'20"E) along the east line of said NE/4 a distance of sixty eight and eight tenths (68.8) feet; Thence South eighty-nine degrees forty-three minutes thirty-seven seconds West (S89°43'37"W) a distance of thirtythree and no tenths (33.0) feet to a point on the west right-of-way line of 48th Ave. NE and the east property boundary and the Point of Beginning; Thence South eightynine degrees forty-three minutes thirty-seven seconds West (S89°43'37"W) a distance of two hundred thirty-four and six tenths (234.6) feet to a point on the west property boundary; Thence South zero degrees seventeen minutes thirty-two seconds East (S00°17'32"E) along the west property boundary a distance of twentyeight and six tenths (28.6) feet to a point on the south easement for the Norman Project Pipeline: Thence North eighty-nine degrees thirty-four minutes six seconds East (N89°34'06"E) along the south easement line for the Norman Project Pipeline a distance of two hundred thirty-four and seven tenths (234.7) feet to a point on the west right-of-way line of 48th Ave. NE and the east property boundary; Thence North zero degrees thirty-two minutes twenty seconds West (N00°32'20"W) along the west right-of-way line of 48<sup>th</sup> Ave. NE and the east property boundary a distance of twentyseven and nine tenths (27.9) feet to the Point of Beginning.

Contains 0.15 acres (6,626.6 square feet) more or less, as shown on the parcel map marked Exhibit "1" attached hereto and made a part hereof.

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public raw water transmission lines.

To have and to hold the same unto the said City, its successors, and assigns, until official completion of construction of the proposed project pertinent to the above described parcel.

SIGNED and delivered this <u>day</u> of <u>loven be</u>, 20<u>09</u>

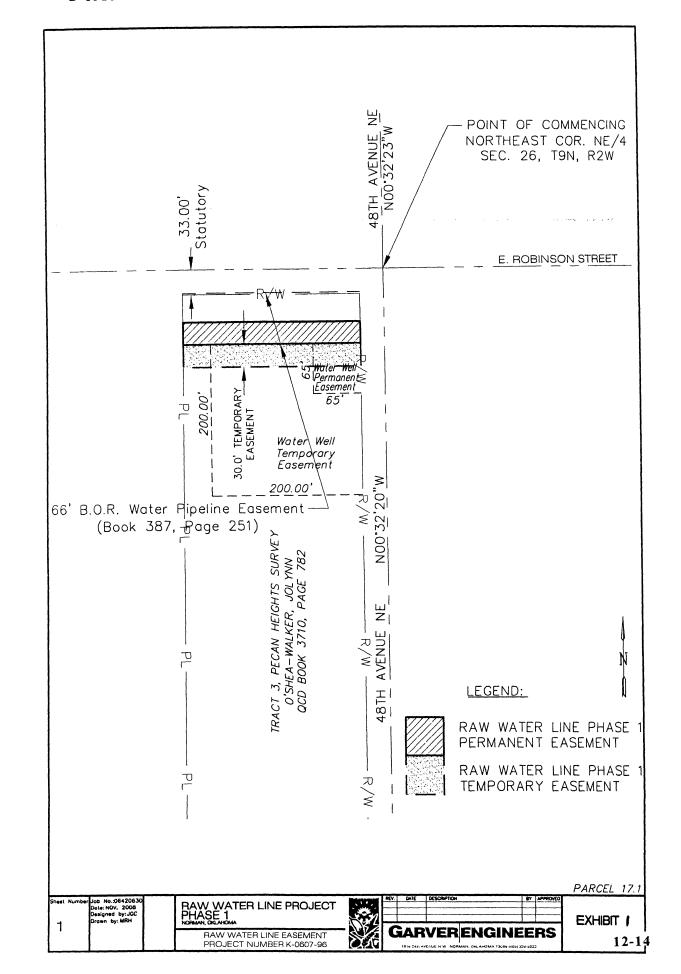
Mark Edward Walker

Jolynn O'Shea-Walker

### REPRESENTATIVE ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this day of Ouen bu, 2009, personally appeared
to me known to be the identical person(s) who executed the
foregoing grant of easement and acknowledged to me thatexecuted the same asfree and voluntary act and deed for the uses and purposes therein setJorth.
WITNESS my hand and seal the day and year last above written.
Notary Public Notary Public
My Commission Expires: 427/4 Publication
Approved as to form and legality this 210 day of 4pri 2010.
City Attorney
Approved and accepted by the Council of the City of Norman, this day of, 20
Mayor
······································
ATTEST:
City Clerk
SEAL:



City Clerk

SEAL:

### **GRANT OF EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

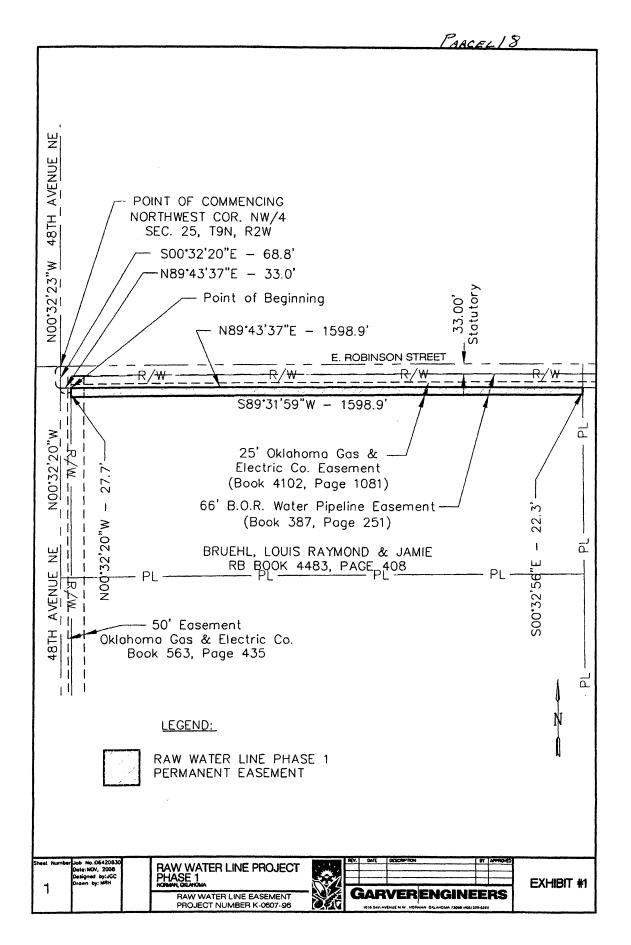
A portion of the following easement south of the Robinson Street south right-of-way as recorded in Book 387 pages 251, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of Section 25, T9N, R2W, I.M. Cleveland County, Oklahoma; Thence South zero degrees thirty-two minutes twenty seconds East (S00°32'20"E) along the west line of said NW/4 a distance of sixty-eight and eight tenths (68.8) feet; Thence North eighty-nine degrees forty-three minutes thirty-seven seconds East (N89°43'37"E) a distance of thirty-three and no tenths (33.0) feet to a point on the east right-of-way line of 48th Avenue NW and the Point of Beginning; Thence North eighty-nine degrees forty-three minutes thirty-seven seconds East (N89°43'37"E) a distance of one thousand five hundred ninety-eight and nine tenths (1,598.9) feet to a point on the east property boundary; Thence South zero degrees thirty-two minutes fifty-six seconds East (S00°32'56"E) along the east property boundary a distance of twenty two and three tenths (22.3) feet to a point on the south easement line of the Norman Project Pipeline; Thence South eighty-nine degrees thirty-one minutes fifty-nine seconds West (S89°31'59"W) along the south easement line for the Norman Project Pipeline a distance of one thousand five hundred ninety-eight and nine tenths (1,598.9) feet to a point on the west line of said NW/4 and west property boundary line; Thence North zero degrees thirty-two minutes twenty seconds West (N00°32'20"W) along the west property boundary a distance of twenty-seven and seven tenths (27.7) feet to the Point of Beginning.

Contains 0.92 acres (39,969.54 square feet) more or less, as shown on the parcel map marked Exhibit"1" attached hereto and made a part hereof.

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating public raw water transmission lines.

To have and to hold the same unto the said City, its successors, and assigns forever.
SIGNED and delivered this day of, 2009.
BY: Jami C. Brukl
REPRESENTATIVE ACKNOWLEDGMENT
STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:
Before me, the undersigned, a Notary Public in and for said County and State, on this 2  day NOUL of 2009, personally appeared 2001,
ATTEST:



Fasment E-0910-61

### TEMPORARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT, Louis Bruehl and Jamie Bruehl, in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant and convey unto the City of Norman, a municipal corporation, a temporary construction easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

### **Temporary Easement Description**

A temporary construction easement lying in the Northwest Quarter of Section 25, T9N, R2W, I.M. Cleveland County, Oklahoma. The thirty (30) foot wide temporary easement lying from a point on the east property line to a point on the west property line parallel and adjacent to the south Norman raw water transmission line permanent easement as described below.

Temporary easement contains 1.10 acres (48018.01 square feet) more or less, as shown on the parcel map marked Exhibit "A" attached hereto and made a part hereof.

Permanent Easement for Raw Water Transmission Line Description

A portion of the following easement south of the Robinson Street south right-of-way as recorded in Book 387 pages 251, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of Section 25, T9N, R2W, I.M. Cleveland County, Oklahoma; Thence South zero degrees thirty-two minutes twenty seconds East (S00°32'20"E) along the west line of said NW/4 a distance of sixty-eight and eight tenths (68.8) feet; Thence North eighty-nine degrees forty-three minutes thirty-seven seconds East (N89°43'37"E) a distance of thirty-three and no tenths (33.0) feet to a point on the east right-of-way line of 48th Avenue NW and the Point of Beginning; Thence North eighty-nine degrees forty-three minutes thirty-seven seconds East (N89°43'37"E) a distance of one thousand five hundred ninety-eight and nine tenths (1,598.9) feet to a point on the east property boundary; Thence South zero degrees thirty-two minutes fifty-six seconds East (S00°32'56"E) along the east property boundary a distance of twenty two and three tenths (22.3) feet to a point on the south easement line of the Norman Project Pipeline; Thence South eighty-nine degrees thirty-one minutes fifty-nine seconds West (S89°31'59"W) along the south easement line for the Norman Project Pipeline a distance of one thousand five hundred ninety-eight and nine tenths (1,598.9) feet to a point on the west line of said NW/4 and west property boundary line; Thence North zero degrees thirty-two minutes twenty seconds West (N00°32'20"W) along the west property boundary a distance of twenty-seven and seven tenths (27.7) feet to the Point of Beginning.

Contains 0.92 acres (39969.54 square feet) more or less, as shown on the parcel map marked Exhibit"1" attached hereto and made a part hereof.

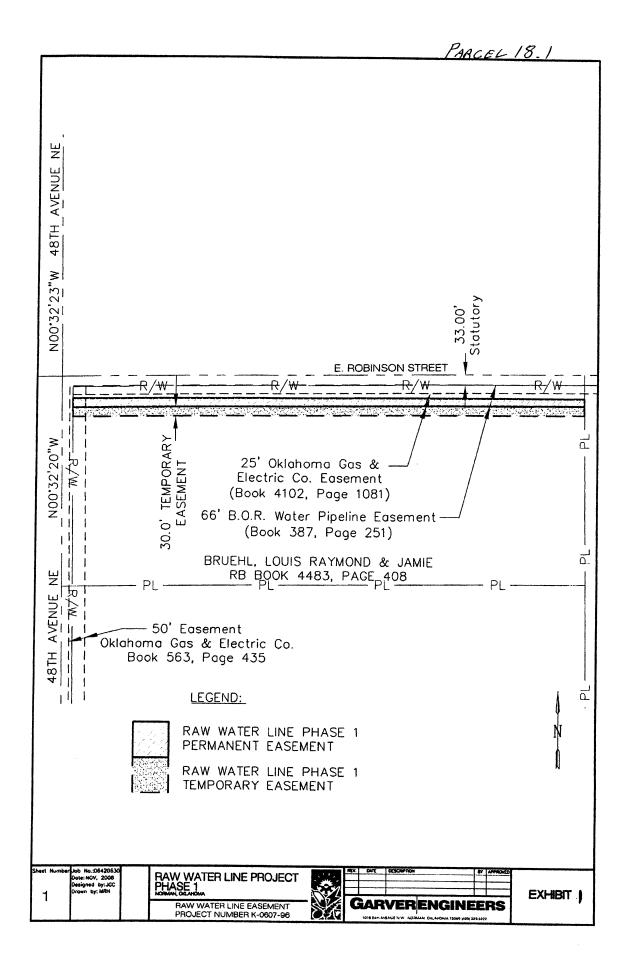
with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating public raw water transmission lines over and through that portion of the GRANTOR'S property described above. To have and to hold the same unto the said City, its successors, and assigns, until official completion of construction of the proposed project pertinent to the above described parcel.

SIGNED and delivered this /2 day of  $/\sqrt{2}$ , 2009.

BY: Jon Brief BY: Jame C. Bruff

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

	Before of Novem	me, the u	ndersigned	a N	otary	Public in a	and fo	or sai	d Cou	nty a	and State, o	on this 1	2 d	ay
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	of	reu anu	. 2009.	Бу	uie	Council	01	uic	City	0,	Monnan,	1113 _		uay
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	ATTEST:													
	City Clerk													
	•													
	SEAL:													
	JLAL.													



City of Norman RAW Waterline Phase 1 Parcel 23

#### **GRANT OF EASEMENT**

#### KNOW ALL MEN BY THESE PRESENTS:

THAT, Zack R. McCain Jr. & Mary Jane McCain, H & W, in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A portion of the following easement south of the Robinson Street south right-of-way as recorded in Book 384 pages 406, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of Section 25, T9N, R2W, I.M. Cleveland County, Oklahoma; Thence South zero degrees twenty-seven minutes fifty-three seconds East (S00°27'53"E) along the east line of said NE/4 a distance of thirty-three and no tenths (33.0) feet; Thence South eighty-nine degrees twenty minutes twenty-eight seconds West (S89°20'28"W) a distance of four hundred nineteen and nine tenths (419.9) feet to a point along the east property boundary and the south right-of-way line of Robinson Street and Point of Beginning; Thence continuing South eighty-nine degrees twenty minutes twenty-eight seconds West (S89°20'28"W) along the south right-of-way line of Robinson Street a distance of two hundred ten and zero tenths (210.0) feet to a point on the west property boundary; Thence South zero degrees thirty-nine minutes thirty-two seconds East (S00°39'32"E) along the west property boundary a distance of twenty-two and five tenths (22.5) feet to a point on the south easement line for the Norman Project Pipeline, Thence along the south Norman Project Pipeline easement North eighty-eight degrees fifty-one minutes eighteen seconds East (N88°51'18"E) a distance of two hundred ten and zero tenths (210.0) feet to a point on the east property boundary; Thence North zero degrees thirty-nine minutes thirty-two seconds West (N00°39'32"W) along the east property boundary a distance of twenty and seven tenths (20.7) feet to the Point of Beginning.

Contains 0.10 acres (4,540.5 square feet) more or less, as shown on the parcel map marked Exhibit "1" attached hereto and made a part hereof.

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating only public raw water transmission lines.

To have and to hold the same unto the said City, its successors, and assigns forever.

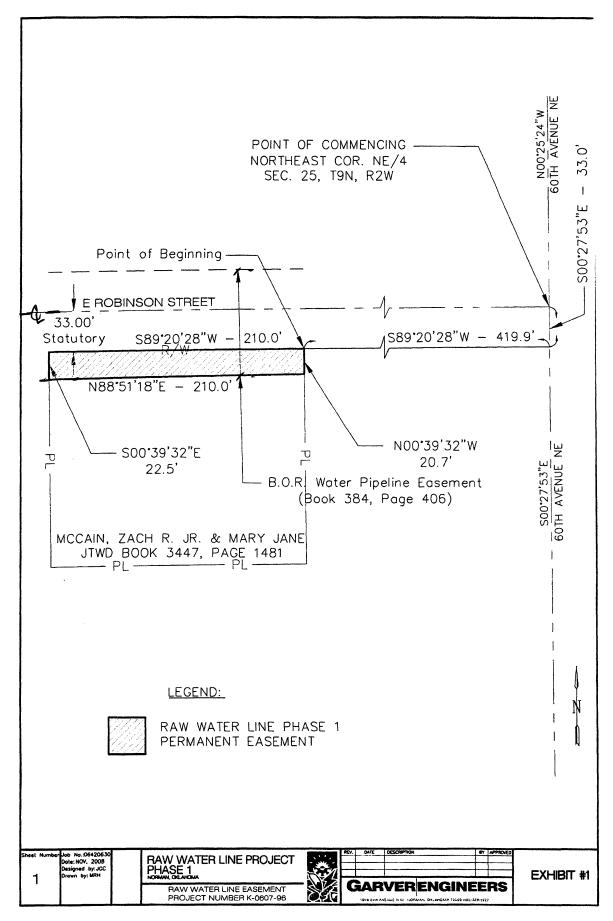
SIGNED and delivered this 17 day of December, 2009.

BY: 3 ark R Mc Cair S.

BY: Mary ane Mc Pain
Mary Jarle My Cain

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in of December, 2009 personally appeared to me knowledged to me knowledged to me and voluntary act and best for the bases and authorities and pairposes the WITNESS me hand and seal the day and year life.	and for said County and State, on this 17 day  ACK Pomclain & makes  nown to be the identical person(s) who executed  ne that ther executed the same as there free  herein set forth.
WITNESS m東南南 and seal the day and year li	ast above written.  Haston
My Commission Expires: 4 70	Notary Public
My Commission Expires: 4/20/10	
Approved as to form and legality this $2 \nu$ day	of <u>April</u> , 2009.
	10
	City Altorney
Approved and accepted by the Council of, 2009.	of the City of Norman, this day
	Mayor
ATTEST:	
City Clerk	
SEAL:	



21 1

# Supplement To Easement Agreement

This letter of understanding will be a supplement to the easement agreement between Zack R. McCain and City of Norman officials. There was a meeting on Friday, September 25, 2009, at 10 a.m, concerning the easement agreement, survey stakes and other conditions set forth herein. Present for the City of Norman were Buzz Halton, Pinnacle Group, Chris Mattingly, Utilities Superintendent. and Robby Johnson, Lemke Surveying.

# Easement Agreement

Through two letters, dated January 29. 2009 and March 3, 2009, the City of Norman did request to use and take possession of a 33-foot easement previously granted to the United States Department of the Interior Bureau of Reclamation in 1962. The aforementioned easement is for the sole purpose of installing additional raw water line or lines and maintaining said lines by the City of Norman.

The City of Norman will submit the legal documents from Lemke Surveying, confirming current locations of staked perimeters of said 33 easement,

#### **Easement Access**

If and when the City of Norman uses said easement, the City of Norman will maintain said easement in as good or better condition, including property survey stakes, drainage pipes for house water runoff, utility lines, drainage ditch for mowing purposes, grass. and all other shrubs and plants. Any mature trees that die within two years as a result of damage caused by installing and/or maintaining raw water lines will be replaced and/or compensated at fair market value.

Land Owners	City of Norman
Zack R. McCain Jr.	City Rosenthal - Mayor
Mary Jane McCain  Mary Jane McCain	Brenda Hall - City Clerk
December 17, 2009 Dated	Dated

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT DATE

12-23

City of Norman RAW Waterline Phase 1 Parcel 24

#### **GRANT OF EASEMENT**

#### KNOW ALL MEN BY THESE PRESENTS:

THAT, <u>Leo D. Snow and Bertie F. Snow, Trustees or their Successors in Trust, under the Snow Living Trust, Dated 5/6/1999</u>, in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A portion of the following easement south of the Robinson Street south right-of-way as recorded in Book 384 pages 411 and 416, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of Section 25, T9N, R2W, I.M. Cleveland County, Oklahoma; Thence South zero degrees twenty-seven minutes fifty-three seconds East (S00°27'53"E) along the east line of said NE/4 a distance of thirty-three and no tenths (33.0) feet; Thence South eighty-nine degrees twenty minutes twenty-eight seconds West (S89°20'28"W) a distance of thirty-three and no tenths (33.0) feet to a point on the west right-of-way line of 60<sup>th</sup> Avenue NW and the Point of Beginning. Thence continuing South eighty nine degrees twenty minutes twenty-eight seconds West (S89°20'28"W) a distance of three hundred eighty-six and nine tenths (386.9) feet along the south right-of-way line of Robinson Street; Thence South zero degrees thirty-nine minutes thirty-two seconds East (S00°39'32"E) a distance of twenty and seven tenths (20.7') feet to a point on the south easement line for the Norman Project Pipeline. Thence along the south Norman Project Pipeline easement North eighty-six degrees fifty-five minutes ten seconds East (N86°55'10"E) a distance of one hundred ninety-five and one tenth (195.1) feet: Thence North eighty-seven degrees seven minutes one second East (N 87°07'01"E) a distance of one hundred forty-nine and three tenths (149.3) feet; Thence continuing along a curve to the right having a radius of one hundred seventeen and three tenths (117.3) feet measured on the arc a distance of thirty-five and five tenths (35.5) feet; Thence South seventy-five degrees thirty-two minutes twenty-one seconds East (S75°32'21"E) a distance of seven and seven tenths (7.7) feet to a point on the west right-of-way line of 60<sup>th</sup> Avenue NW; Thence North zero degrees twenty-seven minutes fifty-three seconds West (N00°27'53"W) on the west right-of-way line of 60th Avenue NW a distance of nineteen and four tenths (19.4) to the Point of Beginning.

Contains 0.16 acres (6,985.8 square feet) more or less, as shown on the parcel map marked Exhibit "1" attached hereto and made a part hereof.

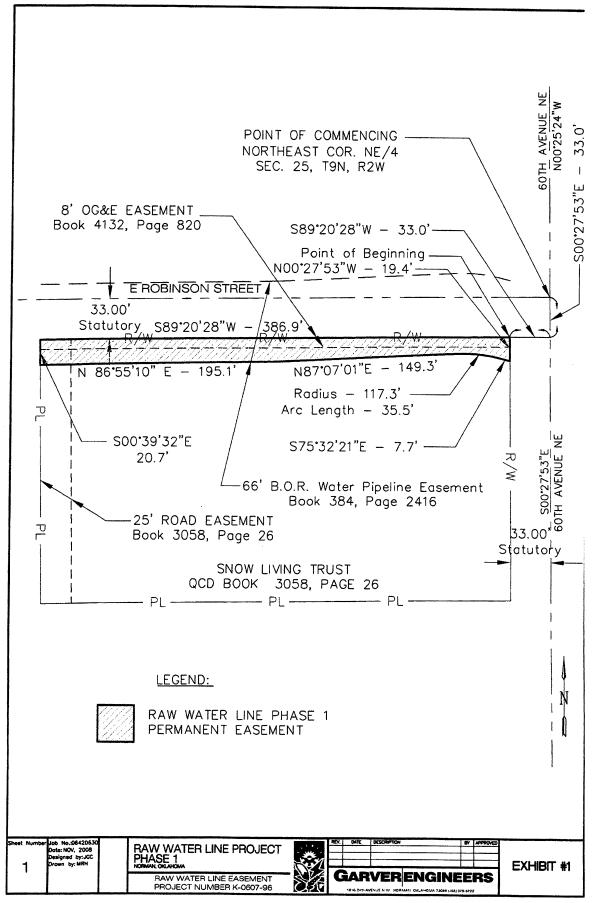
SEE EXHIBIT 2 "SUPPLIMENT TO EASEMENT"

Two D. Snow, Trustee

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating only public raw water transmission lines

To have and to hold the same unto the said City, its successors, and assigns forever.

SIGNED and delivered this 24 day of November, 2009.



 $\nu^{\downarrow}$  12-26

# **Supplement To Easement Agreement**

This letter of understanding will be a supplement to the easement agreement between Leo Snow and City of Norman officials. There was a meeting on Saturday, September 25, 2009, at 10:45 a.m., concerning the easement agreement, survey stakes and other conditions set forth herein. Present for the City of Norman were Buzz Halton, Pinnacle Group, Chris Mattingly, Utilities Superintendent, and Robby Johnson, Lemke Surveying.

# **Easement Agreement**

Through two letters, dated January 29, 2009 and March 3, 2009, the City of Norman did request to use and take possession of a 33-foot easement previously granted to the United States Department of the Interior Bureau of Reclamation in 1962. The aforementioned easement is for the sole purpose of installing additional raw water line or lines and maintaining said lines by the City of Norman.

The City of Norman will submit the legal documents from Lemke Surveying, confirming current locations of staked perimeters of said 33-foot easement, (approximately 19.7 feet south of the northeast boundary of owner property survey stake and 20.8 feet south of owner northwest survey stake) which will constitute said 33-foot easement from the center line (see attached survey diagram attached hereto and made a part hereof).

#### **Easement Access**

If and when the City of Norman uses said easement, the City of Norman will maintain said easement in as good or better condition, including property survey stakes, drainage pipes for house water runoff, utility lines, drainage ditch for mowing purposes, grass, and all other shrubs and plants. Driveway repair will be joint-to-joint in damaged areas. Any mature trees that die as a result of damage caused by installing and/or maintaining raw water lines will be replaced and/or compensated at fair market value.

# **Special Request**

The current approach driveway is approximately thirty-six (36) feet in length by twenty-six (26) feet in width concrete covered by four (4) inches of asphalt. The new city raw water line is projected to cross said area.

Land owner is requesting this entire area be all concrete, six (6) inches in depth, rather than a combination of concrete and asphalt. Concrete can be poured in sections, which should reduce future costs, in the event of raw water line repair.

City Of Norman			
Cindy Rosenthal, Mayor			
Dated:			

APPROVED BY CONTROL OF NORMAN LEGAL DEPARTMENT 12-27

City Clerk SEAL:

#### **GRANT OF EASEMENT**

#### KNOW ALL MEN BY THESE PRESENTS:

THAT, <u>Daniel L. Bruehl, Jr. and Frances C. Bruehl, Trustees, or their successors in trust, under the Daniel Bruehl, Jr. and Frances Bruehl Living Trust, dated October 9, 1995, and any amendments thereto in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:</u>

A portion of the following easement south of the Robinson Street south right-of-way as recorded in Book 387 pages 251, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of Section 25. T9N. R2W, I.M. Cleveland County, Oklahoma; Thence South zero degrees thirty-two minutes twenty seconds East (S00°32'20"E) along the west line of said NW/4 a distance of sixty-eight and eight tenths (68.8) feet; Thence North eighty-nine degrees forty-three minutes thirty-seven seconds East (N89°43'37"E) a distance of one thousand six hundred thirty-one and nine tenths (1,631.9) feet to a point of Point of Thence North eighty-nine degrees forty-three minutes thirty-seven seconds East (N89°43'37"E) a distance of one hundred fifty-five and seven tenths (155.7) feet to a point on the east property boundary; Thence South zero degrees fifty-four minutes twelve seconds East (S00°54'12"E) along the east property boundary a distance of twenty-one and eight tenths (21.8) feet to a point on the south easement line of the Norman Project Pipeline; Thence South eighty-nine degrees thirty-one minutes fifty-nine seconds West (S89°31'59"W) along the south easement line for the Norman Project Pipeline a distance of one hundred fifty-five and seven tenths (155.7) feet to a point on the west property boundary line; Thence North zero degrees thirty-two minutes fifty-six seconds West (N00°32'56"W) along the west property boundary a distance of twenty-two and three tenths (22.3) feet to the Point of Beginning.

Contains 0.08 acres (3,427.37 square feet) more or less, as shown on the parcel map marked Exhibit"1" attached hereto and made a part hereof.

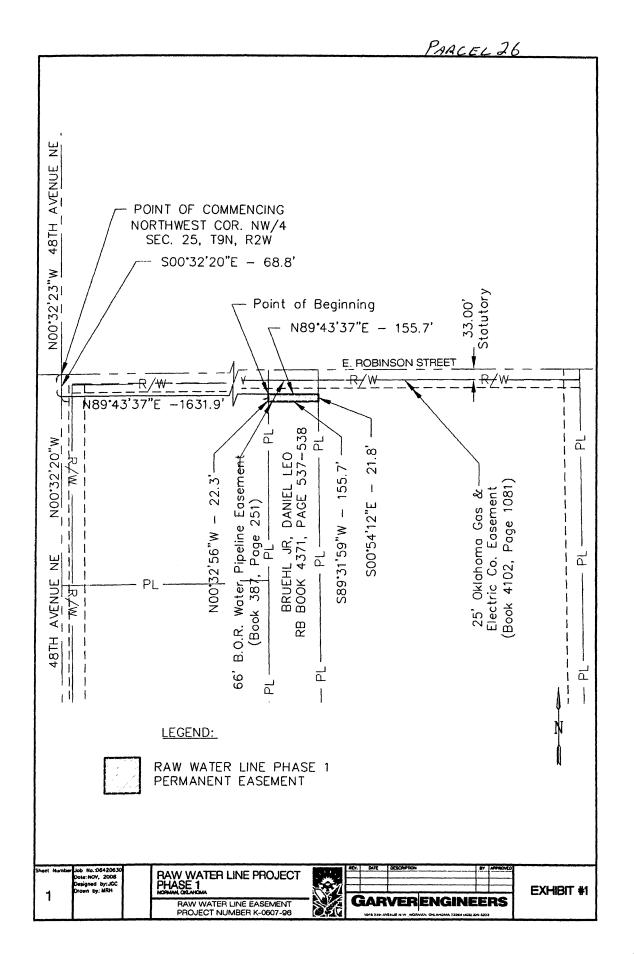
with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating public raw water transmission lines.

SIGNED and delivered this <u>BY</u> day of <u>November</u>, 2009. January Bruell, J., BY: Frances C. Bruell

To have and to hold the same unto the said City, its successors, and assigns forever.

#### PEDDESENTATIVE ACKNOWLEDGMENT

KEI KESEKIATIVE ASI	MONLEDOMENT
STATE OF OKLAHOMA, COUNTY OF CLEVELAND, S	s:
Before me, the undersigned, a Notary Public in day of your 100 you not be foregoing grant of easement and acknowledged to me the and voluntary act and deed for the uses and purposes the will be something the second of the uses and purposes the will be something to the uses and purposes the will be something the second of the uses and purposes the will be something to the uses and purposes the will be something to the uses and purposes the second of the uses and purposes the use of the uses and purposes the use of the uses and purposes the use of the use o	o, personally appeared <u>David</u> Strutt Specthe identical person(s) who executed the hat <u>Juny</u> executed the same as <u>free</u> free nerein set forth.
AMAN MAN MAN MAN MAN MAN MAN MAN MAN MAN	M Vinna Pt accoming
My Commission Expires:   My Commission Expires:	Notary Public
Approved as to form and legality this 20 day	of <u>April</u> , 20 <b>19</b> .
	City Atterney
Approved and accepted by the Council of, 2009.	of the City of Norman, this da
ATTEST:	Mayor



#### **TEMPORARY EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

THAT, <u>Daniel L. Bruehl, Jr. and Frances C. Bruehl, Trustees, or their successors in trust, under the Daniel Bruehl, Jr. and Frances Bruehl Living Trust, dated October 9, 1995, and any amendments thereto, in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant and convey unto the City of Norman, a municipal corporation, a temporary construction easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:</u>

#### **Temporary Easement Description**

A temporary construction easement lying in the Northwest Quarter of Section 25, T9N, R2W, I.M. Cleveland County, Oklahoma. The thirty (30) foot wide temporary easement lying from a point on the east property line to a point on the west property line parallel and adjacent to the south Norman raw water transmission line permanent easement as described below.

Temporary easement contains 0.11 acres (4,724.50 square feet) more or less, as shown on the parcel map marked Exhibit "A" attached hereto and made a part hereof.

#### Permanent Easement for Raw Water Transmission Line Description

A portion of the following easement south of the Robinson Street south right-of-way as recorded in Book 387 pages 251, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of Section 25, T9N, R2W, I.M. Cleveland County, Oklahoma; Thence South zero degrees thirty-two minutes twenty seconds East (S00°32'20"E) along the west line of said NW/4 a distance of sixty-eight and eight tenths (68.8) feet; Thence North eighty-nine degrees forty-three minutes thirty-seven seconds East (N89°43'37"E) a distance of one thousand six hundred thirty-one and nine tenths (1,631.9) feet to a point of Point of Beginning, Thence North eighty-nine degrees forty-three minutes thirty-seven seconds East (N89°43'37"E) a distance of one hundred fifty-five and seven tenths (155.7) feet to a point on the east property boundary; Thence South zero degrees fifty-four minutes twelve seconds East (S00°54'12"E) along the east property boundary a distance of twenty-one and eight tenths (21.8) feet to a point on the south easement line of the Norman Project Pipeline: Thence South eighty-nine degrees thirty-one minutes fifty-nine seconds West (S89°31'59"W) along the south easement line for the Norman Project Pipeline a distance of one hundred fifty-five and seven tenths (155.7) feet to a point on the west property boundary line; Thence North zero degrees thirty-two minutes fifty-six seconds West (N00°32'56"W) along the west property boundary a distance of twenty-two and three tenths (22.3) feet to the Point of Beginning.

Contains .08 acres (3,427.37 square feet) more or less, as shown on the parcel map marked Exhibit"1" attached hereto and made a part hereof.

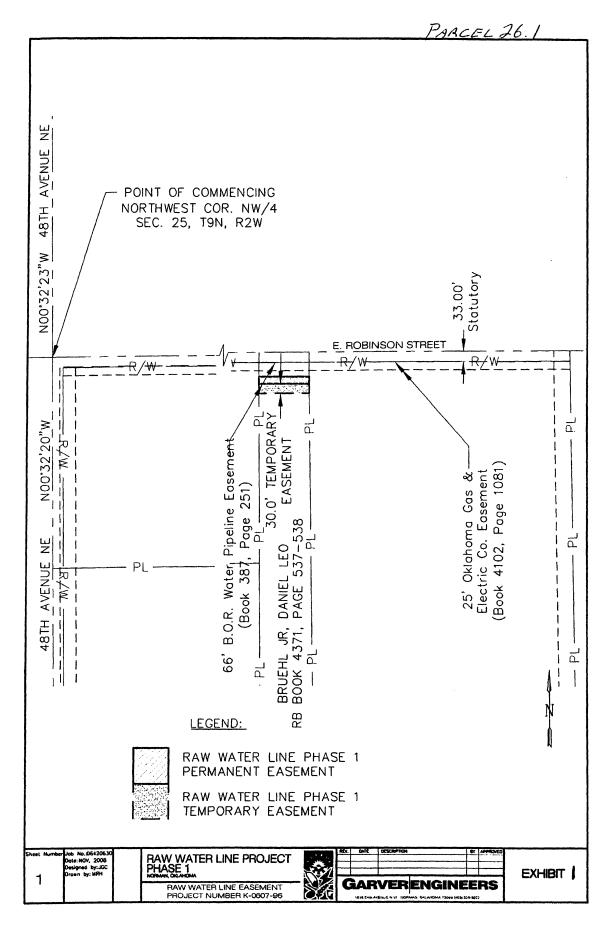
with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating public raw water transmission lines.

SIGNED and delivered this At day of NOVEMBER, 2009.

BY: Namel & Bruelly BY: Frances C. Bruehl

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this of Notary Public in and for said County and State, on this of Notary Public in and for said County and State, on this of the Notary Public in and State, on the Notary Public i	to
WITNESS my hand and seal the day and year last a written.	
My Commission Expires: 4/2// h	neg-
wy dominission Expires.	
Approved as to form and legality this day of, 2009.	
City Attorney	
Approved and accepted by the Council of the City of Norman, this, of, 2009.	day
Mayor	_
ATTEST:	
City Clerk	
SEAL:	



City of Norman RAW Waterline Phase 1 Parcel 13

#### **GRANT OF EASEMENT**

#### KNOW ALL MEN BY THESE PRESENTS:

THAT, <u>Deborah Ann Case</u>, a <u>single person</u>, in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A portion of the following easement south of the Robinson Street south right-of-way as recorded in Book 387 page 251, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of Section 26, T9N, R2W, I.M. Cleveland County, Oklahoma; Thence South zero degrees thirty-two minutes twenty seconds East (S00°32'20"E) along the east line of said NE/4 a distance of sixty eight and eight tenths (68.8) feet; Thence South eighty-nine degrees forty-three minutes thirty-seven seconds West (S89°43'37"W) a distance of one thousand fifty-seven and one tenth (1,057.1) feet to a point on the east property boundary and the Point of Beginning; Thence continuing South eighty-nine degrees forty-three minutes thirty seven seconds West (S89°43'37"W) a distance of two hundred fifty and zero tenths (250.0) feet to a point on the west property boundary, Thence South zero degrees seventeen minutes fifty-four seconds East (S00°17'54"E) along the west property boundary a distance of thirty-five and one tenth (35.1) feet to a point on the south easement line of the Norman Project Pipeline; Thence North eighty-nine degrees seventeen minutes forty-six seconds East (N89°17'46"E) along the south easement line of the Norman Project Pipeline a distance of two hundred fifty and zero tenths (250.0) feet to a point on the east property boundary; Thence North zero degrees seventeen minutes fifty-four seconds West (N00°17'54"E) along the east property boundary a distance of thirty-three and two tenths (33.2) feet to the Point of Beginning.

Contains 0.20 acres (8,536.7 square feet) more or less, as shown on the parcel map marked Exhibit "1" attached hereto and made a part hereof.

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating public raw water transmission lines

To have and to hold the same unto the said City, its successors, and assigns forever.

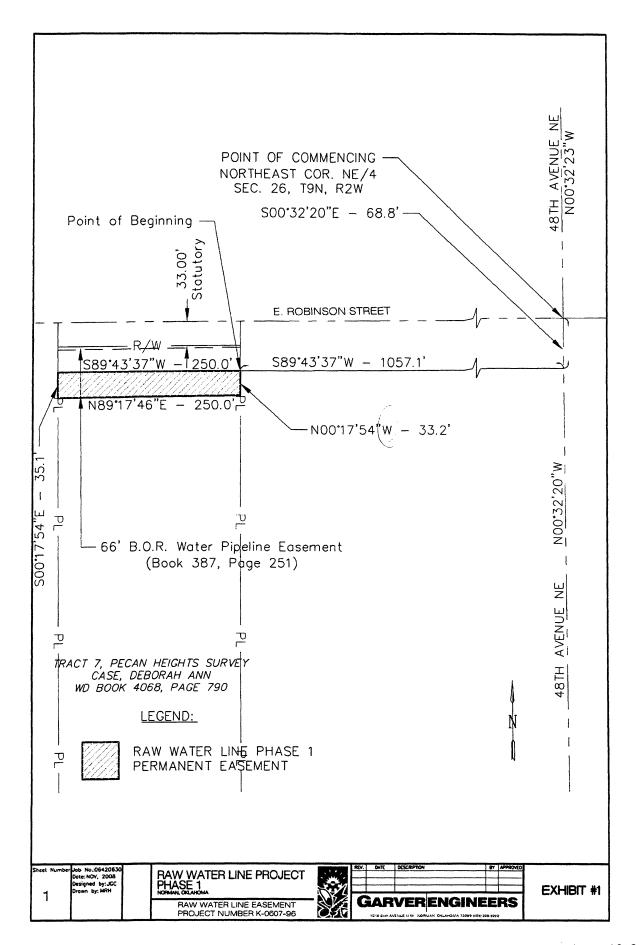
SIGNED and delivered this 20 day of \_\_\_\_\_\_\_, 2010.

Deborah Ann Case

borah ann Case

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

foregoing grant of and voluntary act a	easement and acknowled and deed for the was a second of the was a	appeared 10 me known to be edged to me the purposes the purposes the purpose state of the pur	the identical personal S. L. executed	on(s) who executed	I the
My Commission Ex	1//20	JO TO	Notary Public	C Hall	8
Approved a	as to form and legality th	his <u>26</u> day	of April City Attorney	, 20 <b>09</b> .	
Approved of	and accepted by 2009.	the Council	of the City of	Norman, this	day
ATTEST:			Mayor		
City Clerk	ı.	-	A tipota		
SEAL:				*	



City Clerk

SEAL:

City of Norman RAW Waterline Phase 1 Parcel 22

#### **GRANT OF EASEMENT**

#### KNOW ALL MEN BY THESE PRESENTS:

THAT, <u>Jacob W and Mona M Fredrickson</u>, <u>husband and wife</u> in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A portion of the following easement south of the Robinson Street south right-of-way as recorded in Book 384 pages 401, Cleveland County, Oklahoma, being more particularly described as follows:

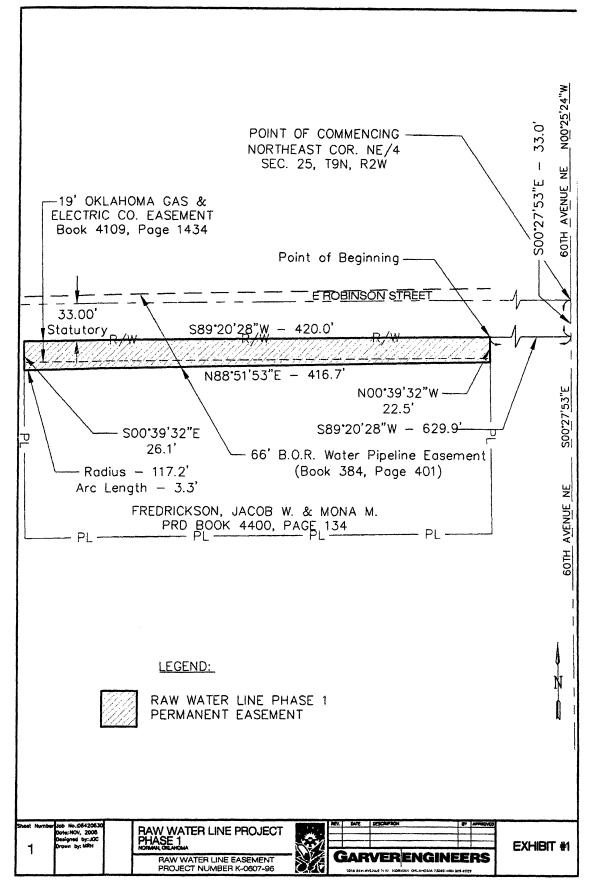
Commencing at the Northeast Corner of the Northeast Quarter of Section 25, T9N, R2W, I.M. Cleveland County, Oklahoma; Thence South zero degrees twenty-seven minutes fifty-three seconds (S00°27'53"E) along the east line of said NE/4 a distance of thirty-three and no tenths (33.0) feet; Thence South eighty-nine degrees twenty minutes twenty-eight seconds West (S89°20'28"W) a distance of six hundred twentynine and nine tenths (629.9) feet to a point along the east property boundary and the south right-of-way line of Robinson Street and Point of Beginning, Thence continuing South eighty-nine degrees twenty minutes twenty-eight seconds West (S89°20'28"W) along the south right-of-way line of Robinson Street a distance of four hundred twenty and no tenths (420.0) feet to a point on the west property boundary. Thence South zero degrees thirty-nine minutes thirty-two seconds East (S00°39'32"E) along the west property boundary a distance of twenty-six and one tenth (26.1) feet to a point on the south easement line of the Norman Project Pipeline; Thence along the south Norman Project Pipeline easement and along a curve to the right having a radius of one hundred seventeen and two tenths (117.2) feet, a distance of three and three tenths (3.3) feet measured on the arc; Thence North eighty-eight degrees fifty-one minutes fifty-three seconds East (N88°51'53"E) a distance of four hundred sixteen and seven tenths (416.7) feet to a point on the east property boundary; Thence North zero degrees thirty-nine minutes thirty-two seconds West (N00°39'32"W) along the east property boundary a distance of twenty-two and five tenths (22.5) feet to the Point of Beginning.

Contains 0.23 acres (10,188.7 square feet) more or less, as shown on the parcel map marked Exhibit "1" attached hereto and made a part hereof.

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating public raw water transmission lines.

To have and to hold the same unto the said City, its successors, and assigns forever.

SIGNED and delivered this 16 day of January 2018
Jacob W. Fredrickson  By: Mona M. Fredrickson  By: Mona M. Fredrickson
REPRESENTATIVE ACKNOWLEDGMENT
STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:
Before me, the undersigned to the personal personal personal appeared Local Live of Mona 10. Freder Local to me known to be the deficiency personal with executed the foregoing grant of easement and acknowledged to me that I have precipited the same as he in free and voluntary act and deed for the
uses and purposes therein sexforth 20/10
witness my hand and seatthe entering setting and year last above written.  Witness my hand and seatthe entering setting and year last above written.
Minimor OF OKLANIII Sarole Salom
My Commission Expires: 4/20//0
Approved as to form and legality this 26 day of 40nl, 2019.
City Attorney
Approved and accepted by the Council of the City of Norman, this day of, 2009.
Mayor ATTEST:



City of Norman RAW Waterline Phase 1 Parcel 22.1 Revised 3-31-2009

#### **TEMPORARY EASEMENT**

#### KNOW ALL MEN BY THESE PRESENTS:

THAT, <u>Jacob W. and Mona M. Fredrickson</u>, <u>husband and wife</u>, in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant and convey unto the City of Norman, a municipal corporation, a temporary construction easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

#### **Temporary Easement Description**

A temporary construction easement lying in the Northeast Quarter of Section 25, T9N, R2W, I.M. Cleveland County, Oklahoma. The fifteen (15) foot wide temporary easement lying from a point on the east property line to a point on the west property line parallel and adjacent to the south United States Department of Interior Bureau of Reclamation water transmission line permanent easement as described below.

Temporary easement contains 0.14 acres (6,297.5 square feet) more or less, as shown on the parcel map marked Exhibit "A" attached hereto and made a part hereof.

#### Permanent Easement for Raw Water Transmission Line Description

A portion of the following easement south of the Robinson Street south right-of-way as recorded in Book 384 page 401, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of Section 25, T9N, R2W, I.M. Cleveland County, Oklahoma; Thence South zero degrees twenty-seven minutes fifty-three seconds (S00°27'53"E) along the east line of said NE/4 a distance of thirty-three and no tenths (33.0) feet; Thence South eighty-nine degrees twenty minutes twenty-eight seconds West (S89°20'28"W) a distance of six hundred twentynine and nine tenths (629.9) feet to a point along the east property boundary and the south right-of-way line of Robinson Street and Point of Beginning. Thence continuing South eighty-nine degrees twenty minutes twenty-eight seconds West (S89°20'28"W) along the south right-of-way line of Robinson Street a distance of four hundred twenty and no tenths (420.0) feet to a point on the west property boundary, Thence South zero degrees thirty-nine minutes thirty-two seconds East (S00°39'32"E) along the west property boundary a distance of twenty-six and one tenth (26.1) feet to a point on the south easement line of the Norman Project Pipeline; Thence along the south Norman Project Pipeline easement and along a curve to the right having a radius of one hundred seventeen and two tenths (117.2) feet, a distance of three and three tenths (3.3) feet measured on the arc; Thence North eighty-eight degrees fifty-one minutes fifty-three seconds East (N88°51'53"E) a distance of four hundred sixteen and seven tenths (416.7) feet to a point on the east property boundary, Thence North zero degrees thirty-nine minutes thirty-two seconds West (N00°39'32"W) along the east property boundary a distance of twenty-two and five tenths (22.5) feet to the Point of Beginning.

Contains 0.23 acres (10,188.7 square feet) more or less, as shown on the parcel map marked Exhibit "1" attached hereto and made a part hereof.

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public raw water transmission lines.

To have and to hold the same unto the said City, its successors, and assigns, until official completion of construction of the proposed project pertinent to the above described parcel.

SIGNED and delivered this /6

act of the Breader also

Mona M. Fredrickson

Before me, the undersigned, a Notary Public in and for said County and State, on this day of any and state, on this day appeared for the known to be the identical person(s) who executed the foregoing grant of easernant and state, on this day and voluntary act and see for the last and purposes therein set forth.

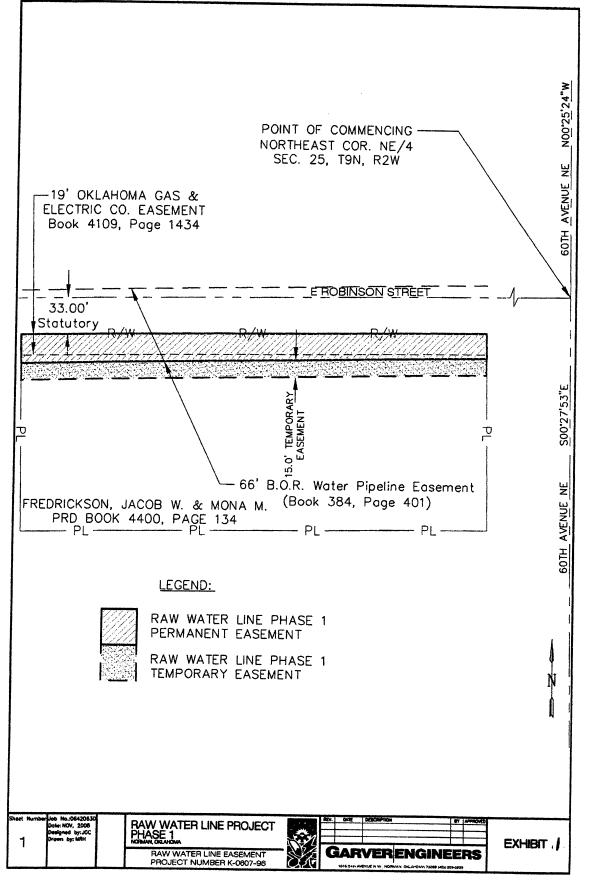
WITNESS says and an accepted by the Council of the City of Norman, this day of Approved and accepted by the Council of the City of Norman, this day of Mayor

Approved and accepted by the Council of the City of Norman, this day of Mayor

ATTEST:

City Clerk

SEAL:



- 13. ITEM: CONSIDERATION OF A FINAL PLAT FOR CANAAN ACRES ADDITION, ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN, AND APPROVAL OF DEFERRED CONSTRUCTION OF STREET IMPROVEMENTS FOR FRANKLIN ROAD.
  - LOCATION: Generally located approximately 1,000 feet west of Porter Avenue between Franklin Road and Broadway Avenue.

#### INFORMATION:

- 1. Owner. Randy and Lisa Martin.
- 2. <u>Developer</u>. Randy and Lisa Martin.
- 3. Surveyor. Centerline Services, L.L.C.

#### HISTORY:

- 1. Refer to the Planning Commission Staff Report, April 8, 2010.
- 2. March 23, 2010. City Council approved the preliminary plat for Canaan Acres Addition.
- 3. <u>April 8, 2010</u>. Planning Commission, by a vote of 8-0, recommended approval of the final plat for Canaan Acres and deferral of street improvements for Franklin Road.

#### IMPROVEMENT PROGRAM:

- 1. Refer to the Planning Commission Staff Report, April 8, 2010.
- 2. <u>Streets</u>. It has been determined that improvements will be required for Franklin Road; however since widening and shoulder improvements will not connect to any existing facilities, Staff recommends deferral of street improvements.
- 3. <u>Subdivision Bond</u>. A subdivision bond is not required.

#### **PUBLIC DEDICATIONS:**

- 1. Refer to the Planning Commission Staff Report, April 8, 2010.
- SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum; location map; preliminary plat; final plat; Staff Report recommending approval; engineer's estimate for deferral of street improvements; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.
- ACTION NEEDED: Motion to approve or reject the final plat and the deferral of street improvements for Franklin Road; and, if approved, accept the public dedications contained within the plat, authorize the Mayor to sign the final plat subject to the City Development Committee's acceptance of all required public improvements and receipt of a fee in the amount of \$19,073.50 for deferred street improvements for Franklin Road within 10 days after approval, and direct the filing of the final plat.

ACTION TAKEN:		



Date:

April 26, 2010

To:

Honorable Mayor and Councilmembers

From:

Ken Danner, Development Manager

Subject:

Agenda Item - Final Plat for Canaan Acres Addition

# **BACKGROUND**:

This item is a final plat for Canaan Acres Addition and is generally located 1,000-feet west of Porter Avenue between Franklin Road and Broadway Avenue.

City Council, at its meeting of March 23, 2010, adopted Ordinance No. 0-0910-22 placing this property in the RE zoning classification and approved the preliminary plat for Canaan Acres Addition. Planning Commission, on April 8, 2010, recommended to City Council the deferral of street improvements and approved the final plat for Canaan Acres Addition.

# **DISCUSSION:**

This property consists of 4.97 acres after dedicating public right-of-way. The owner proposes to divide the property into two (2) lots consisting of 2.79 and 2.185 acres. The vacant lot (Lot 2) has frontage and access to Broadway Avenue. There is an existing residential structure on Lot 1 and has frontage and access to Franklin Road. Broadway Avenue is classified as a collector street and meets current standards. Franklin Road is classified as a minor arterial. It requires an additional two foot (2') of widening and a six-foot (6') width shoulder. In addition, to increase the thickness for the existing ten-foot (10') lane a mill and overlay of the existing pavement will be utilized. Staff's recommendation for deferral is based on Section 19-602 B2(b)(c) of the Code of Ordinances. Section 19-602 B2(b) states, "where there are inadequate or lack of connection facilities" and 19-602 B2(c) states, "where construction of the improvement would not immediately function for its intended use,". With the conditions of Franklin Road, there are no existing facilities to connect and the proposed widening would not function for its intended use.

## **RECOMMENDATION:**

Based upon the above information, Staff recommends approval of the deferral of street improvements for Franklin Road and approval of the final plat for Canaan Acres Addition and the filing of the final plat subject to receipt of \$19,073.50 for deferral of paving improvement for Franklin Road.

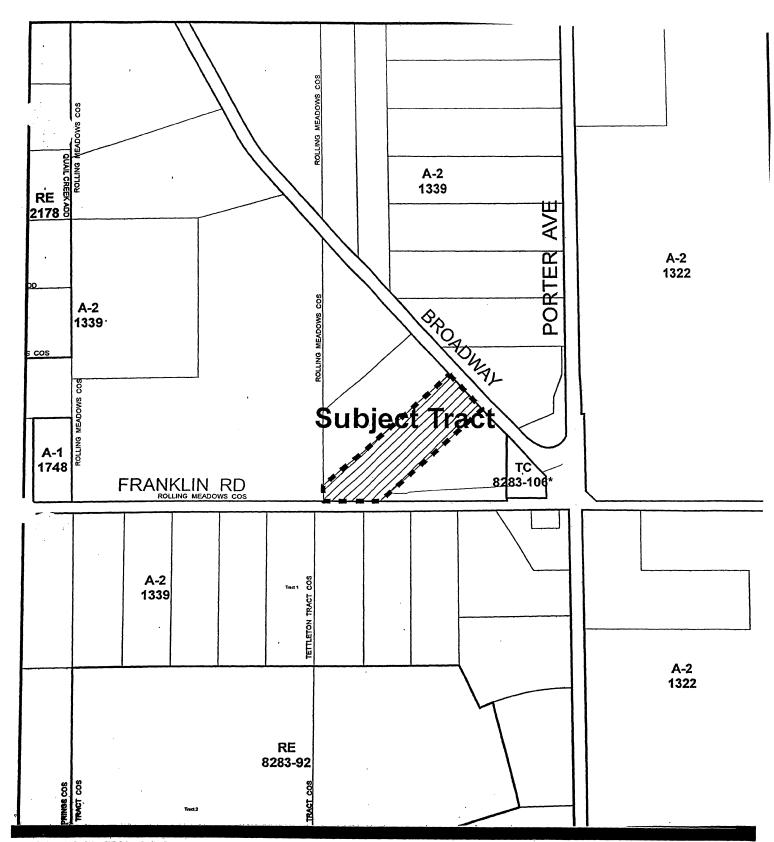
KD/tf

Reviewed by: Shawn O'Leary, Director of Public Works of KID

Jeff Bryant, City Attorney 4 Bryant, City Attorney

Steve Lewis, City Manager

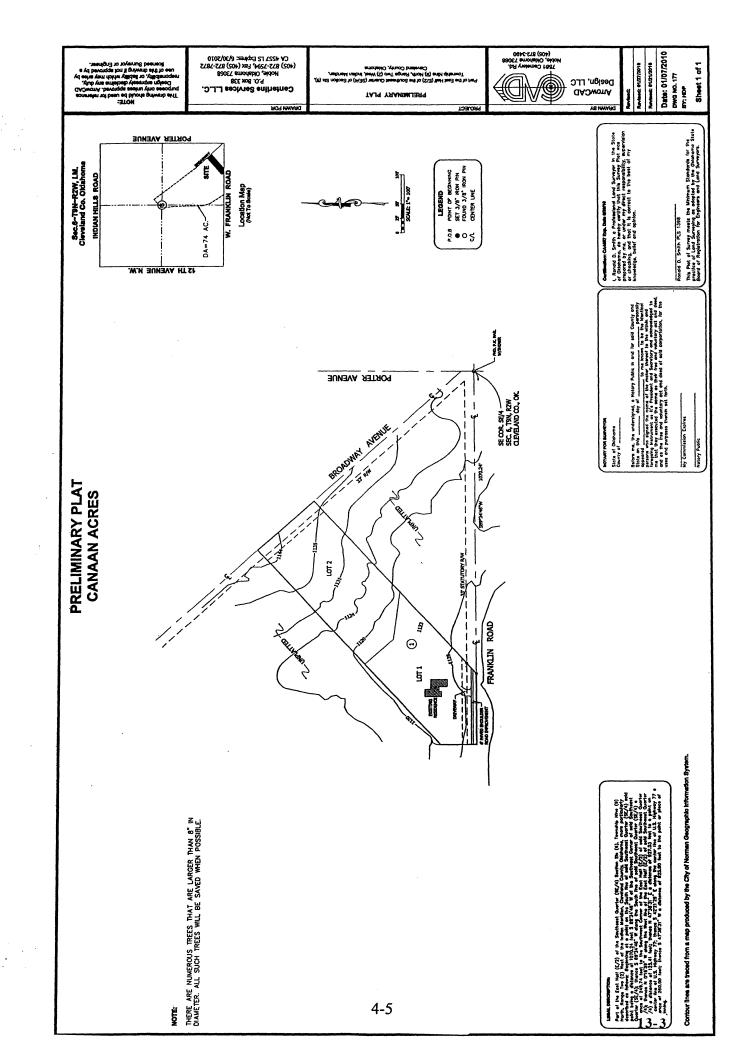
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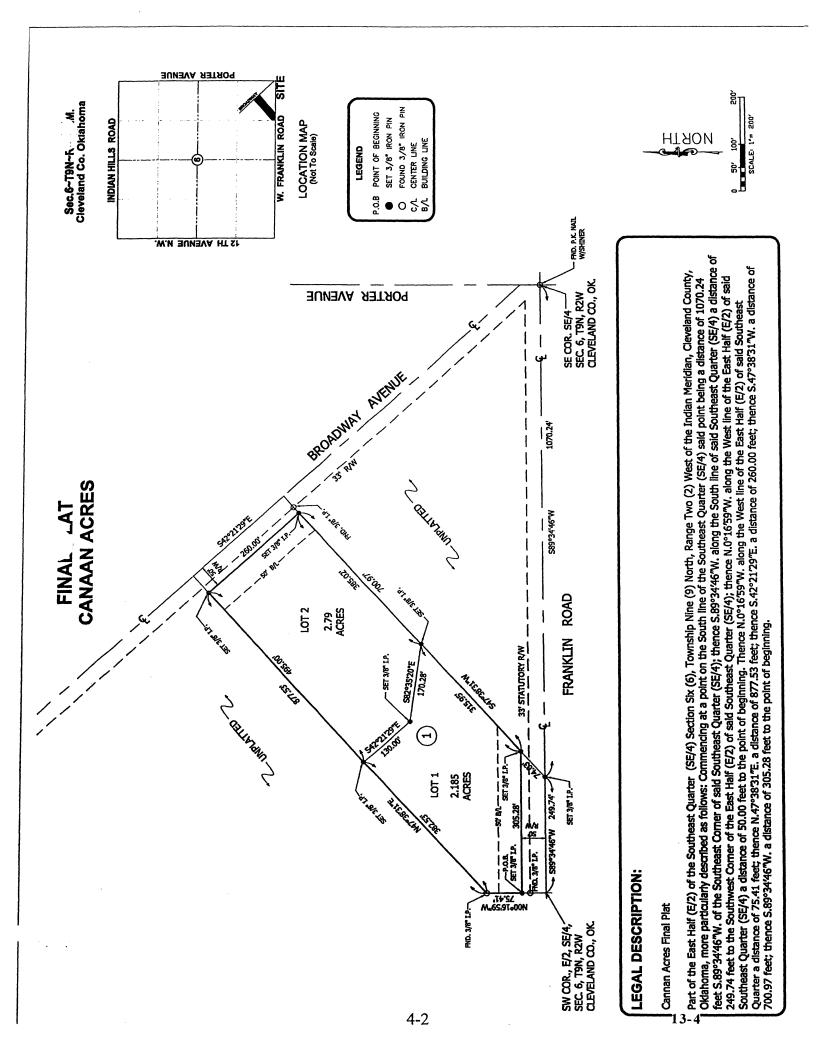


FINAL PLAT - CANAAN ACRES

OWNER/DEVELOPER: ENGINEER:

Randy and Lisa Martin Centerline Services, L.L.C.





Planning Commission Agenda April 8, 2010

FINAL PLAT ITEM NO. 4

## STAFF REPORT

ITEM: Consideration of a Final Plat for CANAAN ACRES ADDITION.

**LOCATION:** Generally located 1000-feet west of Porter Avenue between Franklin Road and Broadway Avenue.

#### **INFORMATION:**

- 1. Owner. Randy and Lisa Martin
- 2. Developer. Randy and Lisa Martin
- 3. Surveyor. Centerline Services, LLC

#### **HISTORY:**

- 1. October 18, 1961. City Council adopted Ordinance No. 1312 annexing this property into the city limits.
- 2. <u>December 19, 1961.</u> Planning Commission recommended placing this property in the A-2 zoning classification.
- 3. <u>January 23, 1962.</u> City Council adopted Ordinance No. 1339 placing this property in A-2 zoning classification.
- 4. <u>February 11, 2010</u>. Planning Commission, on a vote of 9-0, recommended to City Council that this property be placed in RE, Residential Estate Dwelling District, and removed from A-2, Rural Agricultural zoning classification.
- 5. <u>February 11, 2010</u>. Planning Commission, on a vote of 9-0, recommended to City Council that the preliminary plat for Canaan Acres Addition be approved.
- 6. March 23, 2010. City Council adopted Ordinance No. O-0910-22 placing this property in RE, Residential Estates Dwelling District and removing it from A-2, Rural Agricultural zoning classification.
- 7. March 23, 2010. City Council approved the preliminary plat for Canaan Acres Addition.

## **IMPROVEMENT PROGRAM:**

- 1. <u>Fire Protection</u>. Fire protection will be provided by the Norman Fire Department.
- 2. <u>Sanitary Sewers</u>. Individual sewage systems will be installed in accordance with approved plans and City and State Department of Environmental Quality standards.
- 3. <u>Drainage</u>. A fee in lieu of detention will be utilized and determined at the time of submittal of a final plat to City Council.
- 4. <u>Streets.</u> Broadway Avenue is existing and will not require improvements. Franklin Road will be improved to City standards. The owners will be required to improve one twelve foot (12') width lane and six foot (6') shoulder in accordance with approved plans and City paving standards. Staff is recommending deferral of street improvements.
- 5. <u>Water Mains.</u> Individual water wells will be installed in accordance with approved plans and City and Department of Environmental Quality standards.

# **PUBLIC DEDICATIONS:**

- 1. Easements. All required easements are dedicated to the City on the final plat.
- 2. Rights-of-Way. All street rights-of-way are dedicated to the City on the final plat.
- **SUPPLEMENTAL MATERIAL:** Copies of a location map, preliminary plat, final plat and memorandum from the Director of Public Works are included in the Agenda Book.
- STAFF COMMENTS AND RECOMMENDATION: There is an existing house on Lot 1 occupied by relatives of the Martins. The Martins propose to build on Lot 2 and access Broadway Avenue. Staff recommends approval of the final plat for Canaan Acres Addition and approval of deferred construction for Franklin Road.
- **ACTION NEEDED**: Approve or disapprove the deferral of street improvements for Franklin Road and approve or disapprove the final plat for Canaan Acres Addition.

# CPES

# Clour Planning & Engineering Services

# 408 Bannister Ct. Norman, Oklahoma 73072

Tel: (405) 360-1255 • Email: enginsurv@aol.com

# **CANAAN ACRES Franklin Road Deferral**

# CONSTRUCTION COST ESTIMATE April 5, 2010

# **PAVING**

Description	Units	Quantity	Unit Price	Extension
	OC	- Carriery		
SHOULDER				
(SP) STABILIZED SUBGRADE (6")	S.Y.	167	\$4.50	\$751.50
2" S5 ASPHALT PAVING	S.Y.	167	\$9.00	\$1,503.00
4" S3 ASPAHLT PAVING	S.Y.	167	\$16.00	\$2,672.00
3" S3 ASPHALT PAVING	S.Y.	167	\$12.00 _	\$2,004.00
			SUB-TOTAL	\$6,930.50
DRIVING LANE (2' WIDE, FULL DEPTH)				
(SP) STABILIZED SUBGRADE (6")	S.Y.	56	\$4.50	\$252.00
2" S5 ASPHALT PAVING	S.Y.	56	\$9.00	\$504.00
4" S3 ASPAHLT PAVING	S.Y.	56	\$16.00	\$896.00
3" S3 ASPHALT PAVING	S.Y.	56	\$12.00 _	\$672.00
			SUB-TOTAL	\$2,324.00
DRIVING LANE (10' MILL & OVERLAY)				
2" S5 ASPHALT PAVING	S.Y.	278	\$9.00	\$2,502.00
3" S3 ASPHALT PAVING	S.Y.	278	\$12.00	\$3,336.00
COLD MILLING BITUMINOUS PAVEMENT	S.Y.	278	\$7.00	\$1,946.00
TACK COAT	GAL.	14	\$2.50	\$35.00
			SUB-TOTAL	\$7,819.00
CONSTRUCTION TRAFFIC CONTROL	L. SUM	1	\$2,000.00	\$2,000.00
	(SP) STABILIZED SUBGRADE (6") 2" S5 ASPHALT PAVING 4" S3 ASPAHLT PAVING 3" S3 ASPHALT PAVING  DRIVING LANE (2' WIDE, FULL DEPTH) (SP) STABILIZED SUBGRADE (6") 2" S5 ASPHALT PAVING 4" S3 ASPAHLT PAVING 3" S3 ASPHALT PAVING  DRIVING LANE (10' MILL & OVERLAY) 2" S5 ASPHALT PAVING 3" S3 ASPHALT PAVING COLD MILLING BITUMINOUS PAVEMENT TACK COAT	SHOULDER  (SP) STABILIZED SUBGRADE (6")  2" S5 ASPHALT PAVING  4" S3 ASPAHLT PAVING  3" S3 ASPHALT PAVING  S.Y.  DRIVING LANE (2' WIDE, FULL DEPTH)  (SP) STABILIZED SUBGRADE (6")  2" S5 ASPHALT PAVING  4" S3 ASPAHLT PAVING  5.Y.  4" S3 ASPHALT PAVING  5.Y.  DRIVING LANE (10' MILL & OVERLAY)  2" S5 ASPHALT PAVING  S.Y.  DRIVING LANE (10' MILL & OVERLAY)  2" S5 ASPHALT PAVING  S.Y.  COLD MILLING BITUMINOUS PAVEMENT  TACK COAT  GAL.	SHOULDER  (SP) STABILIZED SUBGRADE (6") S.Y. 167 2" S5 ASPHALT PAVING S.Y. 167 4" S3 ASPAHLT PAVING S.Y. 167 3" S3 ASPHALT PAVING S.Y. 167  DRIVING LANE (2' WIDE, FULL DEPTH)  (SP) STABILIZED SUBGRADE (6") S.Y. 56 2" S5 ASPHALT PAVING S.Y. 56 4" S3 ASPAHLT PAVING S.Y. 56 3" S3 ASPHALT PAVING S.Y. 56  DRIVING LANE (10' MILL & OVERLAY) 2" S5 ASPHALT PAVING S.Y. 278 3" S3 ASPHALT PAVING S.Y. 278 COLD MILLING BITUMINOUS PAVEMENT S.Y. 278 TACK COAT GAL. 14	SHOULDER (SP) STABILIZED SUBGRADE (6") S.Y. 167 \$4.50 2" \$5 ASPHALT PAVING \$.Y. 167 \$9.00 4" \$3 ASPAHLT PAVING \$.Y. 167 \$16.00 3" \$3 ASPHALT PAVING \$.Y. 167 \$12.00  SUB-TOTAL  DRIVING LANE (2' WIDE, FULL DEPTH) (SP) STABILIZED SUBGRADE (6") \$.Y. 56 \$4.50 2" \$5 ASPHALT PAVING \$.Y. 56 \$9.00 4" \$3 ASPAHLT PAVING \$.Y. 56 \$16.00 3" \$3 ASPHALT PAVING \$.Y. 56 \$16.00 3" \$3 ASPHALT PAVING \$.Y. 56 \$12.00  DRIVING LANE (10' MILL & OVERLAY) 2" \$5 ASPHALT PAVING \$.Y. 278 \$9.00 3" \$3 ASPHALT PAVING \$.Y. 278 \$12.00 COLD MILLING BITUMINOUS PAVEMENT \$.Y. 278 \$7.00 TACK COAT \$GAL. 14 \$2.50  SUB-TOTAL  SUB-TOTAL

TOTAL

\$19,073.50

Phil Clour P.E., L.S.

NORMAN PLANNING COMMISSION REGULAR SESSION MINUTES April 8, 2010, Page 2

Item No. 2, being:

# **CONSENT DOCKET**

Chairman Trachtenberg announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He noted that the applicant for Item No. 8 has requested postponement of that item until the next meeting and that postponement can be added to the Consent Docket. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:

APPROVAL OF THE MARCH 11, 2010 STUDY SESSION MINUTES, AND THE MARCH 11, 2010 REGULAR SESSION MINUTES.

Item No. 4, being:

CONSIDERATION OF A FINAL PLAT SUBMITTED BY RANDY AND LISA MARTIN (CENTERLINE SERVICES, L.L.C.) FOR <u>CANAAN ACRES</u>, GENERALLY LOCATED NORTH AND WEST OF THE INTERSECTION OF BROADWAY AVENUE AND FRANKLIN ROAD.

Item No. 5, being:

CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SKS1, LOC AND SOUTHWEST CAPITAL GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR <u>WINDSTONE</u> FARMS ADDITION (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48<sup>TH</sup> AVENUE N.W. APPROXIMATELY ONE-QUARTER MILE SOUTH OF TECUMSEH ROAD.

Postponement for one month of Item No. 8, being:

Consideration of a request submitted by Shannon O Moore, L.L.C. for a tract of land generally located 910 feet south of the intersection of State Highway 9 and  $12^{\text{th}}$  Avenue S.E.

- 8A. RESOLUTION NO. R-0910-96 SHANNON O MOORE, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-0910-8) FROM INDUSTRIAL DESIGNATION TO OFFICE DESIGNATION AND MEDIUM DENSITY RESIDENTIAL DESIGNATION ON PROPERTY GENERALLY LOCATED 910 FEET SOUTH OF THE INTERSECTION OF STATE HIGHWAY 9 AND 12<sup>TH</sup> AVENUE S.E.
- 8B. ORDINANCE NO. O-0910-25 SHANNON O MOORE, L.L.C. REQUESTS REZONING FROM I-1, LIGHT INDUSTRIAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED 910 FEET SOUTH OF THE INTERSECTION OF STATE HIGHWAY 9 AND 12<sup>TH</sup> AVENUE S.E.
- 8C. CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SHANNON O MOORE, L.L.C. (CARDINAL ENGINEERING) FOR <u>VICTORY PARK ADDITION</u>, A PLANNED UNIT <u>DEVELOPMENT</u> (A REPLAT OF LOT 1, BLOCK 1, SHAKLEE ADDITION) (FORMERLY KNOWN AS NRH FOUNDATION ADDITION), GENERALLY LOCATED 910 FEET SOUTH OF THE INTERSECTION OF STATE HIGHWAY 9 AND 12<sup>TH</sup> AVENUE S.E.

\*

Chairman Trachtenberg asked if any member of the Planning Commission wished to remove any item from the Consent Docket. There being none, he asked whether anyone in the audience wished to remove any item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

Paul Minnis moved to place Item Nos. 3 through 5, and the postponement of Item No. 8 for one month, on the Consent Docket and approve by one unanimous vote. Andy Sherrer seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS Jim Gasaway, Tom Knotts, Chris Lewis, Curtis

McCarty, Paul Minnis, Roberta Pailes, Andy Sherrer,

Zev Trachtenberg

NAYES None

MEMBERS ABSENT Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to place Item Nos. 3 through 5, and the postponement of Item No. 8 for one month, on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

\* \* \*

14. ITEM: CONSIDERATION OF A FINAL PLAT FOR HIGHLAND VILLAGE ADDITION, SECTION 2, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN.

LOCATION: Generally located on the west side of Porter Avenue one-half mile north of Rock Creek Road.

#### INFORMATION:

- 1. Owner. Highland Village, L.L.C.
- 2. <u>Developer</u>. Highland Village, L.L.C.
- 3. Surveyor. SMC Consulting Engineers, P.C.

#### HISTORY:

- 1. <u>September 28, 2004</u>. City Council, by a vote of 9-0, approved the revised preliminary plat for Highland Village Addition.
- 2. October 14, 2004. Planning Commission, by a vote of 7-0, approved the final plat for Highland Village Addition, Section 2.
- 3. October 14, 2006. The final plat for Highland Village Addition, Section 2, became null and void.
- 4. <u>April 12, 2009</u>. Planning Commission, by a vote of 7-0, recommended approval (reapproval) of the final plat for Highland Village Addition, Section 2.

#### IMPROVEMENT PROGRAM:

- 1. Refer to the Planning Commission Staff Report, August 12, 2009.
- 2. <u>Subdivision Bond</u>. A subdivision bond has not been submitted since the developer has required approval of the final plat with the filing thereof to be directed subject to completion and City acceptance of all required public improvements. A subdivision bond will be required for sidewalks not installed prior to filing the final plat.

#### PUBLIC DEDICATIONS:

- 1. Refer to the Planning Commission Staff Report, August 12, 2009.
- 2. <u>Park Land Dedication</u>. The City of Norman owns the required park land for Highland Village Addition.
- SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum; location map; revised preliminary plat; final plat; Staff Report recommending approval; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.
- ACTION NEEDED: Motion to approve or reject the final plat; and, if approved, accept the public dedications contained within the plat, authorize the Mayor to sign the final plat subject to the City Development Committee's acceptance of all required public improvements, and direct the filing of the final plat.

ACTION TAKEN:	



Date:

April 19, 2010

To:

Honorable Mayor and Councilmembers

From:

Ken Danner, Development Manager K.D.

Subject:

Agenda Item – Final Plat for Highland Village Addition, Section 2

# **BACKGROUND:**

This item is a final plat for Highland Village Addition, Section 2 and is located on the west side of North Porter Avenue and approximately one-half mile north of Rock Creek Road. City Council, at its meeting of September 28, 2004, approved the revised preliminary plat for Highland Village Addition. Planning Commission, at its meeting of August 13, 2009, approved the final plat for the Highland Village Addition, Section 2. This property consists of 11.86 acres and 35 single-family residential lots.

# **DISCUSSION:**

Construction plans have been reviewed for the required public improvements for this property. The public improvements are under construction. These improvements consist of sidewalks, water mains with fire hydrants, sanitary sewer, drainage, and street improvements.

The developer/owner has submitted to the City of Norman warranty deeds for the required parkland.

# **STAFF RECOMMENDATIONS:**

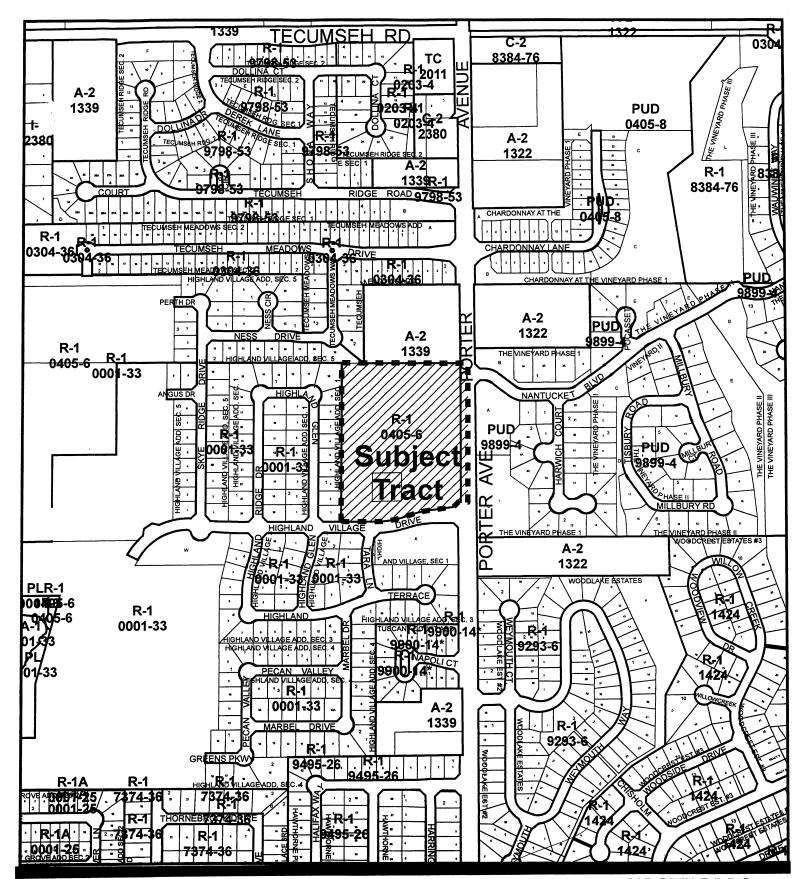
The final plat is consistent with the approved preliminary plat. Based on the above information, Staff recommends acceptance of the public dedications, approval of the final plat and the filing of the final plat subject to completion of public improvements and the City Development Committee's acceptance of all required public improvements and authorize the Mayor to sign the final plats and bonds.

tf

Reviewed by: Shawn O'Leary, Director of Public Works

Jud Foster, Director of Parks and Recreation Jeff Bryant, City Attorney

Steve Lewis, City Manager

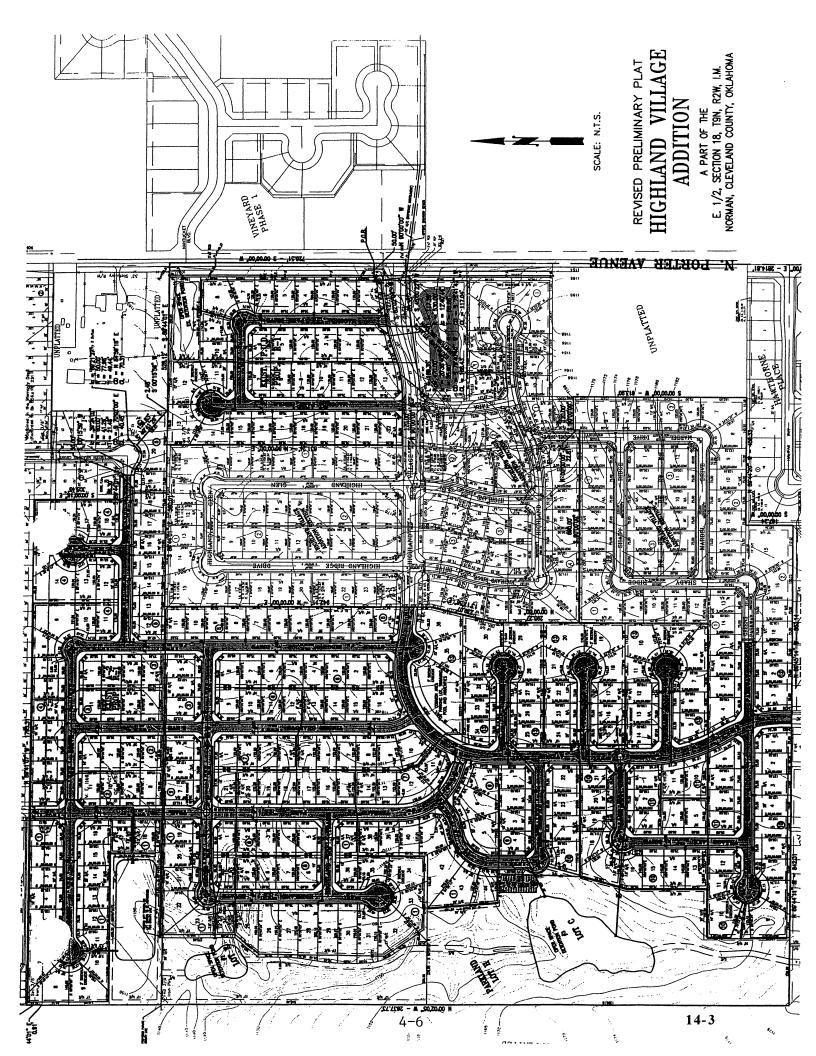


FINAL PLAT - HIGHLAND VILLAGE ADDITION, SECTION 2

OWNER/DEVELOPER: Highland Hills, L.L.C.

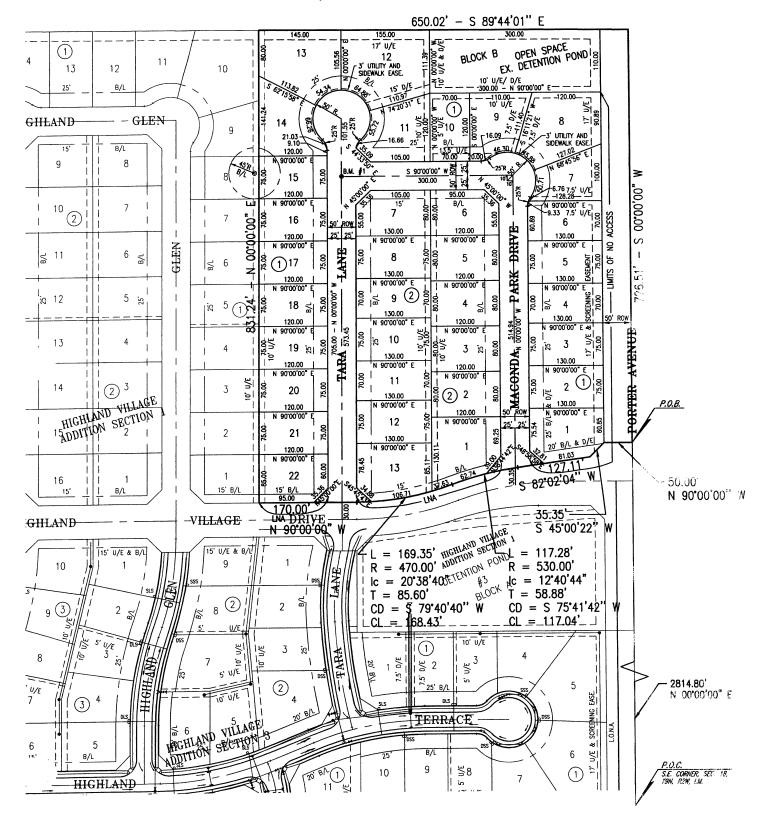
ENGINEER: SMC Consulting Engineers, P.C.

4-1 14-2



# FINAL PLAT HIGHLAND VILLAGE ADDITION SECTION 2 A PART OF THE E. 1/2, SECTION 18, T9N, R2W, I.M.

A PART OF THE E. 1/2, SECTION 18, 19N, R2W, 1.N NORMAN, CLEVELAND COUNTY, OKLAHOMA



FINAL PLAT

ITEM NO. 4

# **STAFF REPORT**

ITEM: Consideration of a Final Plat for HIGHLAND VILLAGE ADDITION, SECTION 2.

**LOCATION:** Generally located approximately one-half mile north of West Rock Creek Road on the west side of North Porter Avenue.

#### **INFORMATION:**

- 1. Owners. Highland Hills, LLC.
- 2. <u>Developer</u>. Highland Hills, LLC.
- 3. Engineer. SMC Consulting Engineers, P.C.

#### **HISTORY:**

- 1. October 18, 1961. City Council adopted Ordinance No. 1312 annexing and placing this property in A-2 zoning classification.
- 2. <u>February 1, 2001</u>. The Norman Board of Parks Commissioners, on a vote of 8-0, recommended park land dedication for Highland Village Addition.
- 3. <u>February 8, 2001</u>. Planning Commission, on a vote of 8-0, recommended to City Council that this property be placed in R-1 and removed from A-2 zoning classification.
- 4. <u>February 8, 2001</u>. Planning Commission, on a vote of 8-0, recommended to City Council that the preliminary plat for Highland Village Addition be approved.
- 5. March 13, 2001. City Council adopted Ordinance No. O-0001-33 placing this property in a PUD, Planned Unit Development and removing it from A-2 zoning classification.
- 6. March 13, 2001. City Council approved the preliminary plat for Highland Village Addition.

# HISTORY, (con't):

- 7. <u>August 12, 2004</u>. Planning Commission, on a vote of 8-0, recommended to City Council that this property be placed in the R-1 and removed from the PUD, Planned Unit Development, zoning classification.
- 8. <u>August 12, 2004</u>. Planning Commission, on a vote of 8-0, recommended that the revised preliminary plat for Highland Village Addition be approved.
- 9. <u>September 28, 2004</u>. City Council adopted Ordinance No. O-0405-6 placing this property in R-1 and removing it from PUD zoning classification.
- 10. <u>September 28, 2004</u>. City Council approved the revised preliminary plat for Highland Village Addition.
- 11. October 14, 2004. Planning Commission, on a vote of 7-0, approved the final plat for Highland Village Addition, Section 2.
- 12. October 14, 2006. The approval for Highland Village Addition, Section 2, became null and void.

#### **IMPROVEMENT PROGRAM:**

- 1. <u>Fencing.</u> Fencing/screening will be required for lots backing up to North Porter Avenue.
- 2. <u>Fire Hydrants</u>. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.
- 3. <u>Permanent Markers</u>. Permanent markers will be installed prior to filing of the final plat.
- 4. <u>Sanitary Sewers</u>. Sanitary sewer mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards.
- 5. <u>Sidewalks</u>. Sidewalks will be constructed on each lot prior to occupancy. Sidewalks adjacent to the North Porter Avenue are existing.
- 6. <u>Storm Sewers</u>. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Runoff from this addition will be conveyed to a proposed privately-maintained detention facility located in the northeast portion of the property.

## IMPROVEMENT PROGRAM (con't):

- 7. <u>Streets</u>. Streets will be constructed in accordance with approved plans and City paving standards. North Porter Avenue is existing.
- 8. Water Mains. Water mains will be installed in accordance with City and State Department of Environmental Quality standards. There is an existing 12-inch water line adjacent to North Porter Avenue located on the east side of the street.

#### **PUBLIC DEDICATIONS:**

- 1. Easements. All required easements are dedicated to the City on the final plat.
- 2. Rights-of-Way. All street rights-of-way are dedicated to the City on the final plat.
- **SUPPLEMENTAL MATERIAL**: Copies of a location map, revised preliminary plat and final plat are included in the Agenda Book.
- STAFF COMMENTS AND RECOMMENDATION: The owner proposes to construct approximately 35 single family residential lots. A Property Owner's Association will be formed in order to maintain the right-of-way on North Porter Avenue, open spaces and the proposed privately-maintained detention facilities. Staff recommends approval of the final plat for Highland Village Addition, Section 2.

ACTION NEEDED:	Approve	or dis	approve	the	Final	Plat	for	Highland	Village	Addition
Section 2.										

A COTTON TAREN	
ACTION TAKEN	·

NORMAN PLANNING COMMISSION REGULAR SESSION MINUTES August 13, 2009, Page 2

Item No. 2, being:

CONSENT DOCKET.

Chairman Gasaway announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:

APPROVAL OF THE JULY 9, 2009 REGULAR SESSION MINUTES AND JULY 30, 2009 STUDY SESSION MINUTES.

Item No. 4, being:

CONSIDERATION OF A FINAL PLAT SUBMITTED BY HIGHLAND HILLS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR <u>HIGHLAND VILLAGE ADDITION</u>, <u>SECTION 2</u>, GENERALLY LOCATED ON THE WEST SIDE OF NORTH PORTER AVENUE APPROXIMATELY ½ MILE NORTH OF WEST ROCK CREEK ROAD.

Item No. 5, being:

CONSIDERATION OF A FINAL PLAT SUBMITTED BY UTC II, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR <u>A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK SECTION III</u>, GENERALLY LOCATED ON THE WEST SIDE OF 24<sup>TH</sup> AVENUE N.W. APPROXIMATELY ½ MILE NORTH OF ROBINSON STREET.

Item No. 6, being:

CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR <u>A REPLAT OF UNIVERSITY NORTH PARK SECTION IV</u>, GENERALLY LOCATED ON THE WEST SIDE OF 24<sup>TH</sup> AVENUE N.W. APPROXIMATELY ½ MILE NORTH OF ROBINSON STREET.

Item No. 7, being:

CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR <u>UNIVERSITY NORTH PARK SECTION V</u>, GENERALLY LOCATED ON THE EAST SIDE OF 24<sup>TH</sup> AVENUE N.W. APPROXIMATELY <sup>1</sup>/<sub>4</sub> MILE NORTH OF ROBINSON STREET.

Item No. 8, being:

CONSIDERATION OF A FINAL PLAT SUBMITTED BY SASSAN MOGHADAM (SMC CONSULTING ENGINEERS, P.C.) FOR <u>WINDSTONE ADDITION</u>, <u>SECTION 2</u>, LOCATED AT THE NORTHWEST CORNER OF ROCK CREEK ROAD AND 12<sup>TH</sup> AVENUE N.E.

Chairman Gasaway asked if any member of the Planning Commission wished to remove any item from the Consent Docket. There being none, he asked whether anyone in the audience wished to remove any item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

Ed Adwon moved to place Item Nos. 3 through 8 on the Consent Docket and approve by one unanimous vote. Zev Trachtenberg seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS

Ed Adwon, Jim Gasaway, Chris Lewis, Paul Manada

Roberta Pailes, Andy Sherrer, Zev Trachtenberg

**NAYES** 

None

MEMBERS ABSENT

Tom Knotts, Curtis McCarty

Recording Secretary Roné Tromble announced that the motion, to place Item No. 2 through 8 on the Consent Docket and approve by one unanimous vote, passes vote of 7-0.

\* \* \*

- 15. ITEM: CONSIDERATION OF A FINAL PLAT FOR PARK PLACE ADDITION, SECTION 7, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN.
  - LOCATION: Generally located south of East Rock Creek Road and one quarter mile east of 12th Avenue N.E.

#### INFORMATION:

- 1. Owner. Park Place Developers, L.L.C.
- 2. <u>Developer</u>. Park Place Developers, L.L.C.
- 3. <u>Surveyor.</u> SMC Consulting Engineers, P.C.

#### HISTORY:

- 1. <u>July 13, 2004</u>. City Council, by a vote of 8-0, approved the revised preliminary plat for Park Place Addition with alley waiver for commercial lots.
- 2. Refer to the Planning Commission Staff Report of October 11, 2007.
- 3. October 11, 2007. Planning Commission, by a vote of 8-0, recommended to City Council that the final plat for Park Place Addition, Section 7, be approved.

#### IMPROVEMENT PROGRAM:

- 1. Refer to the Planning Commission Staff Report, October 11, 2007.
- 2. <u>Public Improvements</u>. Public Improvements have been completed except for sidewalks.
- 3. <u>Subdivision Bond</u>. A subdivision bond has not been submitted since the developer has required approval of the final plat with the filing thereof to be directed subject to completion and City acceptance of all required public improvements. A subdivision bond will be required for sidewalks not installed prior to filing the final plat.

#### PUBLIC DEDICATIONS:

- 1. Refer to the Planning Commission Staff Report, October 11, 2007.
- 2. <u>Park Land Dedication</u>. The City of Norman owns the entire park site fulfilling the park land dedication requirements for Park Place Addition.
- SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum; location map; revised preliminary plat; final plat; Staff Report recommending approval; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.
- ACTION NEEDED: Motion to approve or reject the final plat; and, if approved, accept the public dedications contained within the plat, authorize the Mayor to sign the final plat subject to the City Development Committee's acceptance of all required public improvements, and direct the filing of the final plat.

ACTION TAKEN:	





April 20, 2010 Date:

To: Honorable Mayor and Councilmembers

Ken Danner, Development Manager From:

Subject: Agenda Item - Final Plat for Park Place Addition, Section 7

#### **BACKGROUND:**

This item is a final plat for Park Place Addition, Section 7 and is generally located on the south side of East Rock Creek Road and one-quarter mile east of 12<sup>th</sup> Avenue NE.

City Council, at its meeting of July 13, 2004, approved the preliminary plat for Park Place Addition. Planning Commission, at its meeting of October 7, 2007 approved the final plat for Park Place Addition, Section 7. This property consists of 8.6 acres with thirty-seven (37) single family lots.

#### **DISCUSSION:**

Public improvements for this property are completed except for sidewalks. The developer proposes to submit a subdivision bond/cash surety to secure sidewalks.

A traffic impact analysis determines the owner will be required to pay \$1,997.60 contributing to future signal improvements at the intersection of 12th Avenue NE and East Rock Creek Road prior to filing the final plat. This property backs up to the East Rock Creek Road for a distance of 604-feet. Originally this property was placed in a recoupment district for the Rock Creek Road Paving Project. With Resolution No. R-0607-40 approved by City Council, at its meeting of November 14, 2006, it was stipulated that recoupment would be utilized to secure right-of-way. During the design of the paving project, it was determined the street improvements would be shifted to the north due to the state cemetery located at the southwest corner of the 12th Avenue NE and Rock Creek Road and a major overhead transmission line located on the south side of Rock Creek Road If they were relocated at a substantial cost, they would encroach further into the George M. Sutton Wilderness Park. As a result, additional right-of-way was not needed from this property for the Rock Creek Road Paving Project. In addition, city capital funds are not being spent on the Rock Creek Road Paving Project because federal funds and bond funds are sufficient. There is no longer a need to include this parcel in the recoupment district. However, with this platting the required fifty-foot (50') right-of-way will be dedicated with this final plat. With the Rock Creek Road Paving Project under construction, additional street improvements are not required.

The owner/developer has deeded the entire park site completing all park land requirements.

The final plat has minor adjustments from when it was submitted to Planning Commission. Due to a petroleum pipeline, the developer has submitted a final plat that has reduced the depth of the residential lots for Block 1. As a result, the pipeline is no longer a part of this final plat. This change does not violate the depth of the required residential lots. Instead of 150-foot depth lot it is now proposed to be 125-foot lots. The pipeline easement will be included as a part of the commercial development in the future. The residential property owners will not have to contend with the pipeline easement. Staff feels this adjustment will better serve the residential lots and not impact the commercial property.

#### **RECOMMENDATION:**

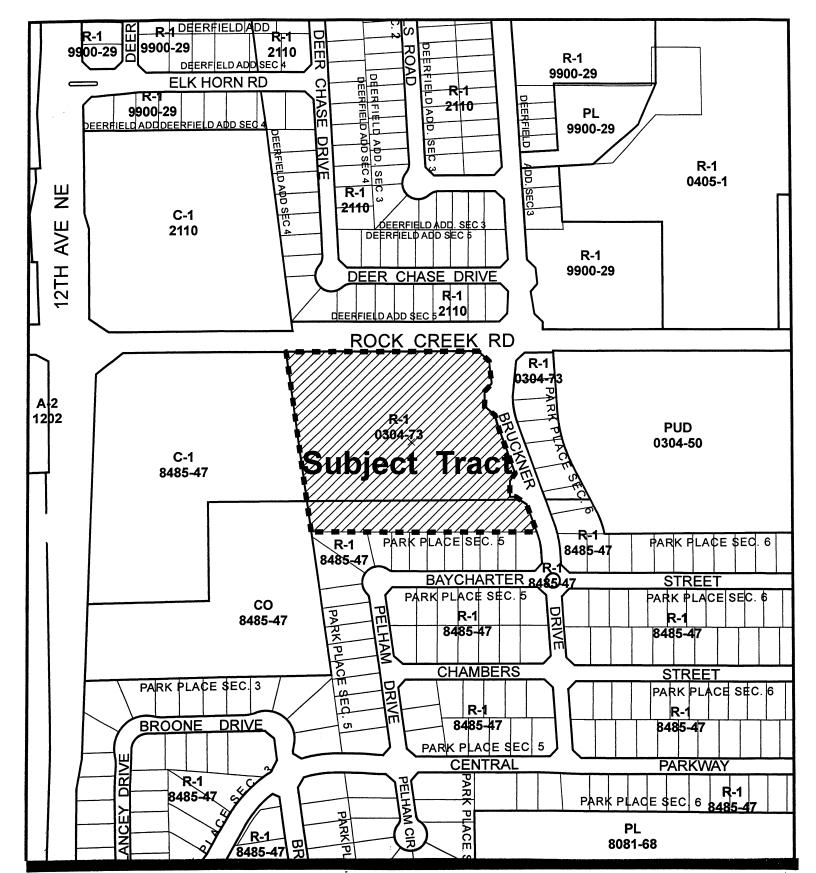
Based upon the above information, Staff recommends acceptance of the public dedication contained therein and authorization for the Mayor to sign the final plat, subdivision bonds/cash sureties, and maintenance bonds for Park Place Addition, Section 7, subject to the City Development Committee's acceptance of the public improvements.

tf

Reviewed by: Shawn O'Leary, Director of Public Works

Jeff Bryant, City Attorney

Steve Lewis, City Manager

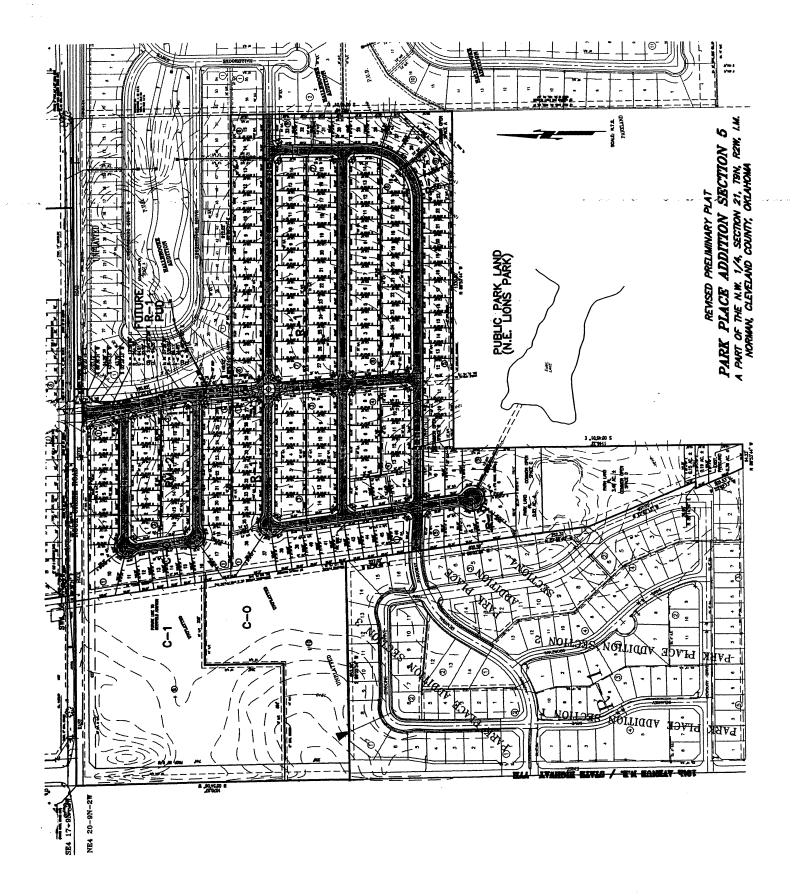


FINAL PLAT - PARK PLACE ADDITION, SECTION 7

OWNER/DEVELOPER: ENGINEER:

Park Place Developers, L.L.C. SMC Consulting Engineers, P.C.

15-3



⊢oz 24FP AVENUE N.E. R 2 W EAST ROCK CREEK ROAD EAST ROBINSON STREET LOCATION MAP 12TH AVE N.E. \ STATE HIGHWAY SCALE: 1" FINAL PLAT

PARK PLACE ADDITION SECTION 7

A PART OF THE N.W. 1/4, SECTION 21, T9N, R2W, I.M.

NORMAN, CLEVELAND COUNTY, OKLAHOMA 15.52' N 89'36'31" E ~ 604.45' P.O.B. EAST ROCK CREEK RD. 727.47' N 89'36'31" E P.O.C. N.W. COR., N.W. 1/4 SEC. 21, T9N, R2W, I.M.

12 North

ITEM: CONSIDERATION OF FINAL PLAT FOR PARK PLACE ADDITION, SECTION 7.

LOCATION: Generally located on the south side of East Rock Creek Road and 700-feet east of 12th Avenue N.E.

#### INFORMATION:

- 1. Owners. Park Place Developers, L.L.C.
- 2. <u>Developer</u>. Park Place Developers, L.L.C.
- 3. Engineer. SMC Consulting Engineers, P.C.

#### HISTORY:

- 1. <u>September 6, 1984</u>. The Norman Board of Parks Commissioners, on a vote of 5-0, recommended park land dedication for Park Place Addition.
- 2. <u>December 13, 1984</u>. Planning Commission, on a vote of 9-0, tabled the preliminary plat for Park Place Addition.
- 3. <u>January 8, 1985</u>. City Council adopted Ordinance No. 0-8485-47 placing this property in C-1, CO, RM-2, and R-1 and removing it from A-2 zoning classification.
- 4. <u>February 14, 1985</u>. Planning Commission, on a vote of 9-0, approved the preliminary plat for Park Place Addition.
- 5. <u>February 14, 1990</u>. In accordance with Section 19-505 of the City Code, the approval of the preliminary plat became null and void.
- 6. <u>September 14, 1995</u>. Planning Commission, on a vote of 7-0, approved the preliminary plat for Park Place Addition.
- 7. May 13, 2004. Planning Commission, on a vote of 7-0, recommended to City Council that the revised preliminary plat for Park Place Addition be approved.
- 8. July 13, 2004. City Council approved the revised preliminary plat for Park Place Addition.

#### **IMPROVEMENT PROGRAM:**

- 1. <u>Fire Hydrants</u>. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.
- 2. <u>Permanent Markers</u>. Permanent markers will be installed prior to filing of the final plat.

P.C. AGENDA 10-11-07 FINAL PLAT FOR PARK PLACE ADDITION, SECTION 7 Page 2 IMPROVEMENT PROGRAM (con't):

- 3. <u>Sanitary Sewers</u>. Sanitary sewers will be installed in accordance with approved plans and City and State Department of Environmental Quality standards.
- 4. <u>Sidewalks</u>. Sidewalks will be constructed on each lot prior to occupancy. Staff recommends deferral of sidewalks adjacent to East Rock Creek Road.
- 5. <u>Storm Sewers</u>. An off plat privately-maintained detention facility will be utilized. A Mandatory Property Owners Association will be required in order to properly maintain the detention pond.
- 6. <u>Streets</u>. Streets will be constructed in accordance with approved plans and City paving standards. Staff recommends deferral of street improvements for East Rock Creek Road.
- 7. <u>Water Mains</u>. Water mains will be installed in accordance with approved plans and City of Norman and State Department of Environmental Quality standards.

#### **PUBLIC DEDICATIONS:**

- 1. Easements. All required easements are dedicated to the City on the final plat.
- 2. Rights-of-Way. All street rights-of-way are dedicated to the City on the final plat.
- 3. <u>Park Land Dedication</u>. A warranty deed for park land dedications will be submitted by the owner prior to filing of the final plat.
- SUPPLEMENTAL MATERIAL: Copies of a location map, revised preliminary plat and final plat are included in the Agenda Book.
- STAFF COMMENTS AND RECOMMENDATION: There are thirty-seven (37) proposed single family residential lots. It has been determined that there may currently be a blanket easement owned by the petroleum pipeline company covering this property. The owners and pipeline company need to agree on the reduction of the width of pipeline easement. Prior to the submittal of the final plat to City Council agreements or documentation must be provided to City Staff. Staff recommends approval of the final plat for Park Place Addition, Section 7.
- ACTION NEEDED: Recommend approval or disapproval of the deferral of street and sidewalk improvements in connection with East Rock Creek Road and approve or disapprove the final plat for Park Place Addition, Section 7.

ACTION TAKEN	

Item No. 2, being:

#### CONSENT DOCKET.

Chairman Adwon announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He asked Staff to read the items on the Consent Docket. Doug Koscinski introduced the items recommended for inclusion on the Consent Docket as follows:

Item No. 3, being:

APPROVAL OF THE SEPTEMBER 13, 2007 REGULAR SESSION MINUTES.

Item No. 10, being:

CONSIDERATION OF A FINAL PLAT SUBMITTED BY COBBLESTONE CREEK NORTH, L.L.C. (CARDINAL ENGINEERING, INC.) FOR MONTEREY I ADDITION, GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. ONE-HALF MILE SOUTH OF CEDAR LANE ROAD.

Item No. 11, being:

CONSIDERATION OF A FINAL PLAT SUBMITTED BY WIDGEON, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR WIDGEON ADDITION (A REPLAT OF PART OF LOT 1 AND ALL OF LOT 2, BLOCK 1 OF FRITZLAN ACRES), GENERALLY LOCATED ON THE WEST SIDE OF 24TH AVENUE S.W. ONE-HALF MILE SOUTH OF WEST LINDSEY STREET.

Item No. 12, being:

CONSIDERATION OF A FINAL PLAT SUBMITTED BY PARK PLACE DEVELOPERS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR PARK PLACE ADDITION, SECTION 7, GENERALLY LOCATED 727' EAST OF 12TH AVENUE N.E. ON THE SOUTH SIDE OF EAST ROCK CREEK ROAD, WITH DEFERRAL OF PAVING AND SIDEWALKS FOR EAST ROCK CREEK ROAD.

15-8

Item No. 13, being:

CONSIDERATION OF A SHORT FORM PLAT SFP-0708-1 FOR <u>BETHEL BAPTIST</u> <u>CHURCH YOUTH FACILITY</u>, GENERALLY LOCATED ON THE WEST SIDE OF MCGEE DRIVE AND 350 FEET NORTH OF WEST LINDSEY STREET, SUBMITTED BY BETHEL BAPTIST CHURCH OF NORMAN, OKLAHOMA, INC. (GROSSMAN & KEITH ENG.).

Item No. 14, being:

CONSIDERATION OF A CERTIFICATE OF SURVEY NO. COS-0708-2 SUBMITTED BY KENNETH AND EDDA MINER (POLLARD & WHITED SURVEYORS) FOR MINER ESTATES, GENERALLY LOCATED ON THE SOUTH SIDE OF ROCK CREEK ROAD EAST OF 96<sup>TH</sup> AVENUE N.E.

Chairman Adwon asked if any member of the Planning Commission wished to remove any of the items from the Consent Docket. There being no comment from the Planning Commission, Chairman Adwon asked whether anyone in the audience wished to remove any item from the Consent Docket. There being no comments from the audience, Chairman Adwon entertained a motion.

Susan Ferguson moved to place Item Nos. 3, and 10 through 14 on the Consent Docket and approve by one unanimous vote.

Paul Minnis seconded Commissioner Ferguson's motion.

There being no further discussion, a vote was taken with the following result:

YEAS Ed Adwon, John Drayton, Susan

Ferguson, Mike LaBrie, Curtis McCarty, Paul Minnis, David Nordyke, Fred

Walden

NAYES None

Recording Secretary Roné Tromble announced that the motion to place Item Nos. 3, and 10 through 14 on the Consent Docket to be approved by one unanimous vote passed by a vote of 8-0.

\* \* \*

- 16. ITEM: CONSIDERATION OF AN AMENDMENT TO CONSENT TO ENCROACHMENT NO. 0809-9 FOR LOT 7, BLOCK 3, BROOKHAVEN NO. 34 ADDITION. (4300 MIDDLEFIELD COURT)
  - INFORMATION: City Council, in its meeting of June 23, 2009, approved Consent to Encroachment No. 0809-9 for 4300 Middlefield Court. The original request was for a seven foot encroachment into a seventeen foot utility easement to allow construction of a swimming pool and pool decking. The applicant is requesting that the encroachment be amended so he can construct a cabana and storage area to house the pool equipment. He is not requesting any additional footage be added to the encroachment. Staff has considered the request and encroachment delineated in the above-described consent and recommends that an amendment to Consent to Encroachment No. 0809-9 be approved. Copies of an advisory memorandum, amended Consent to Encroachment, location maps, letter of request, Staff memoranda, supplemental material, and pertinent excerpts from City Council minutes are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject an amendment to Consent to Encroachment No. 0809-9; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN:	•





TO:

The Honorable Mayor and Councilmembers

THROUGH: Jeff Harley Bryant, City Attorney

FROM:

R. Blaine Nice, Assistant City Attorney

DATE:

April 27, 2010

**SUBJECT:** 

Amended Consent to Encroachment No. 0809-9, Lot 7, Block 3, Brookhaven

34 Addition to the City of Norman, Cleveland County, Oklahoma, a/k/a 4300

Middlefield

#### **BACKGROUND:**

An amended encroachment request has been filed in the office of the City Clerk by Troy A. Flax requesting an Amended Consent to Encroach into a City of Norman utility easement at the above-described property.

#### **DISCUSSION:**

The application for an amended consent to encroach concerns the encroachment upon a City of Norman utility easement for pool, decking, and cabana which includes pool equipment storage to encroach upon existing 17' utility easement.

The Council previously approved a Consent to Encroachment on June 23, 2009 for encroachment of a pool and decking into 7 feet of the 17 foot utility easement. This request for an amended consent adds a cabana which includes pool equipment storage to the original consent. OG&E requested that the cabana be moved 18" to the east and not be within 5' of any underground line and pad mount transformer. This restriction by OG&E is part of the amended consent.

Staff has reviewed the application and the "hold harmless" clause. Therefore, from a legal perspective it protects the City's concerns with respect to damage to the property owner's property should the City or other authorized entity be required to perform work within its easement.

The benefit to having an amended consent to encroach on file is that it is evidence of the property owner's understanding that, while the City is allowing them to encroach upon the easement, the City is not liable and will not be responsible for damage to the property owner's property in the event such maintenance has to be performed within the easement.

#### **RECOMMENDATION:**

Based upon the above and foregoing, the City Attorney's office is forwarding the above Amended Consent to Encroach for Council consideration.

Reviewed by: Steve Lewis, City Manager

cc: Ellen Usry, Deputy City Clerk

#### AMENDED CONSENT

#### Amended Consent to Encroachment No. 0809-9

WHEREAS, the City of Norman, Cleveland County, is in possession of a utility easement on the land described as follows, to-wit:

Lot 7, Block 3, Brookhaven No. 34 Addition, to the City of Norman, Cleveland County, Oklahoma, a/k/a 4300 Middlefield.

AND WHEREAS, the owners of the above-described property request that pool, decking, and cabana which includes pool equipment storage be allowed to encroach upon an existing utility easement;

AND WHEREAS, the City has been requested to consent in writing to pool, decking, and cabana which includes pool equipment storage being located at the requested location;

NOW, THEREFORE, the City of Norman does hereby consent to said pool, decking, and cabana which includes pool equipment storage being within and upon the utility easement with the following conditions:

- 1. The property owner agrees that no construction activity will be performed within 10' of the southern property line.
- The property owner agrees that no construction activity will be performed within 5' of any OG&E underground line and pad
  mount transformer.
- The property owner be responsible for the cost of repairs for any damages to the City's utility easement caused by any excavation or other construction activities conducted on their behalf; and
- 4. The property owner will be responsible for the cost the City incurs to remove any or all pool and decking, if needed, to facilitate maintenance or repair of the City's utilities.
- 5. The property owner will be responsible for the cost to repair or replace any or all pool and decking after such repairs.
- 6. The property owner waives and releases any claims against the City for any damages to any or all pool and decking and related improvements caused by any excavation by the City for purposes of maintaining or replacing the City's utility facilities within the easement area.
- 7. By encroaching on said easement, the property owners release Oklahoma Gas & Electric, Oklahoma Natural Gas, Oklahoma Electric Cooperative, AT&T Southwest, and Cox Communications, Inc. of responsibility to repair, rebuild, or maintain any of their utilities placed in easement.
- 8. Damages to Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, and Cox Communications, Inc. facilities resultant from any current and/or future construction may carry possible financial charges to the property owners.

The amended consent is limited to the pool, decking, and cabana which includes pool equipment storage as indicated in the application being located within the utility easement and the City does not authorize or consent to the construction or location of any other structure(s) of a permanent nature within the easement. Further, this Amended Consent is given with the understanding that the property owner is responsible for any and all direct and consequential damages resulting from the granting of this amended consent with entry to or upon the existing utility easement as required at any time in the future.

The City, or any other entity so authorized, shall not be held responsible for any and all direct or consequential damages to encroaching improvements resulting from entry, by the City, or any other entity so authorized, upon said utility easement, for any purpose associated with the maintenance, construction, relocation, etc. of any utility located within the said easement.

IN WITNESS WHEREOF, the undersigned has execute	ed this consent this day of, 2010.
	THE CITY OF NORMAN, OKLAHOMA
ATTEST:	Mayor
City Clerk	
On this day of, to me to be known to be the	, 2010, before me personally appeared and identical persons who executed the same as their free and voluntary act and deed of forth.
such municipal corporation, for the uses and purposes therein set	forth.
Witness my hand and official seal the day and year last	above written.
My Commission Expires:	Notary Public
OWNER:	
By:Troy A. Flax	
On this day of, 2010 to me to be known to be	0, before me personally appeared and the identical person(s) who executed the same as his/her free and voluntary act and
deed for the uses and purposes therein set forth.	• '
Witness my hand and official seal the day and year last	above written.
My Commission Expires:	y Public

# **Norman Vision Source!**

Troy A. Flax, O.D.

Pepper L. Martin, O.D.

Tiffany R. Rankin, O.D.

March 16, 2010

TO: City of Norman / Brendo Hall, City Clerk

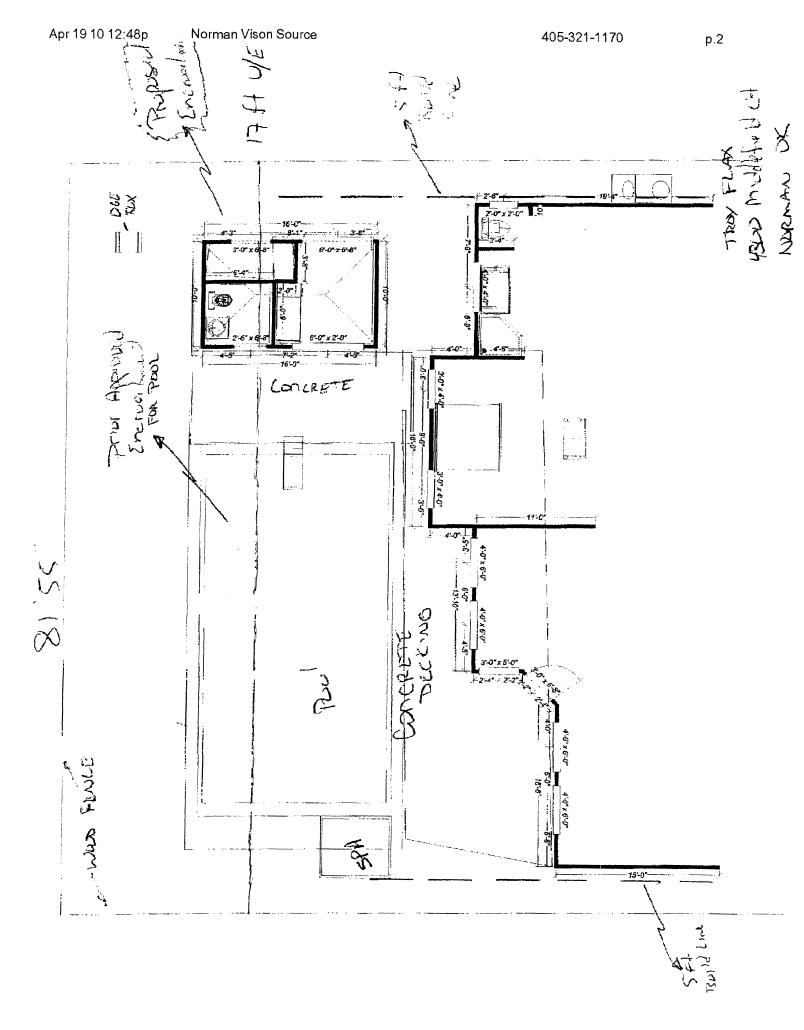
FROM: Troy A. Flax

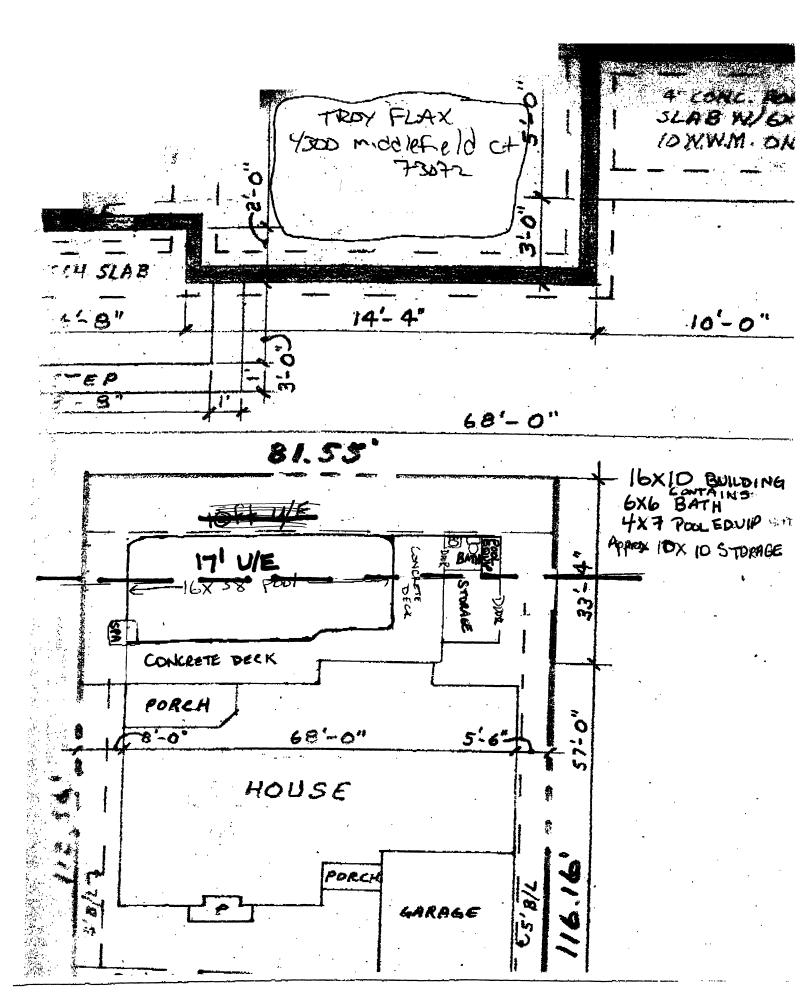
RE: Consent to Encroach

On June 1, 2009, the City Council approved a consent to encroach to allow a pool to be constructed on my property at 4300 Middlefield Ct. My pool company has already obtained a permit to construct the swimming pool from the Building Department. I would also like to build a small cabana beside the pool that would contain a small bath house and an area for the pool equipment. The Building Department informed me that the encroachment is for a swimming pool and decking only to be built on seven feet of a seventeen-foot utility easement. I am requesting that the encroachment be amended to include "a swimming pool, concrete decking, and cabana. I am enclosing a check for \$400, the letter of request, and a revised drawing. The proposed improvements will not encroach any further than the original seven feet.

Please contact me at 405-919-1816 if you have any further questions.

FILED IN THE OFFICE OF THE CITY CLERK ON 4/8/10







DATE:

April 20, 2010

TO:

Jeff Bryant, City Attorney

Doug Koscinski, Current Planning Manager Ken Danner, Development Coordinator Ken Komiske, Director of Utilities

FROM:

Brenda Hall, City Clerk

Request for Amendment to Consent to Encroachment No. 0809-9 SUBJECT:

On June 23, 2009, City Council approved Encroachment No. 0809-9 for Lot 7, Block 3, Brookhaven No. 33 Addition, a/k/a 4300 Middlefield Court, to encroach on a utility easement to build a pool and deck. Mr. Flax had submitted an amended encroachment to build an additional storage area for pool equipment and a cabana. An amended drawing is being submitted depicting the 17 foot easement rather than the 10 foot easement, originally submitted, being encroached upon. I am forwarding the letter of request, site plan.

The item will be scheduled as an agenda item on May 11, 2010, and the information must be received in my office by April 26, 2010. If there is a problem in meeting that timeframe, please advise.

smr attachments



(SIMOPENIC!II)

Date:

April 20, 2010

To:

Brenda Hall, City Clerk

From:

Jim Speck, Capital Projects Engineer 25

Re:

Amendment to Consent to Encroach 0809-9

Lot 7, Block 3, Brookhaven No. 34 Addition

(4300 Middlefield Court)

The lot located at 4300 Middlefield Court (Lot 7, Block 3, Brookhaven No. 34 Addition) has a platted 17-foot wide utility easement (U/E) along the southern boundary. The owner requests construction of a 16' x 36' swimming pool and cabana in the proximity of the south property line. The pool and cabana would be installed no further than 10 feet north of the south property line, and would, therefore, encroach no more than seven (7) feet into the U/E. There is an 8-inch sewerline located 12 feet south of the southern property line in the U/E on the adjacent property.

Currently, there are no utilities owned and maintained by the City located in this portion of the U/E along the southern property line. However, circumstances may arise in which the City will need to install utilities within this portion of the U/E or use this U/E for access to perform maintenance on the sewer main located in the U/E 12 feet south of the southern property line.

The Utilities Department objects to all encroachments on utility easements unless the applicant agrees to certain requirements being filed of record on the consent document. A recommendation to approve is forwarded only when the applicant agrees to the following:

- 1. The property owner agrees that no construction activity will be performed within 10 feet of the southern property line.
- 2. The property owner will be responsible for the cost to repair any damages to the City's utilities caused by any excavation, piering or other construction activities conducted by the property owner or his agents.
- 3. The property owner will be responsible for the cost the City incurs to remove any fence, curb, landscaping, building, and any other structure if needed to facilitate maintenance or repair of the City's utilities.
- 4. The property owner will be responsible for the cost to repair or replace any fence, curb, or any other structure after such repairs.
- 5. The property owner will waive and release any claims against the City for any damages to the residence and related improvements caused by a failure or repair and maintenance of the City's utilities within the easement area.

The Utilities Department can approve the encroachment application if the above requirements are filed of record on the consent document. Please advise if you have any questions.

Cc: Jeff Bryant

Ken Danner Ken Komiske Mark Daniels



Date:

April 22, 2010

To:

Blaine Nice, Assistant City Attorney

From:

Ken Danner, Development Manager

Subject:

Consent to Encroach

Lot 7, Block 3, Brookhaven No. 34 Addition

4300 Middlefield Court

Public Works staff has previously responded to a proposed swimming pool and decking encroaching seven-foot (7') of a seventeen-foot (17') utility easement. Since that approval, the owner has added a request to construct pavement and a cabana within the seventeen-foot (17') utility easement. The owner's plan is to encroach the seventeen-foot (17') utility easement a maximum of seven-foot (7') like before, however additional buildings and pavement have been added.

Public Works staff does not oppose the proposed encroachments. We do yield to the Utilities Department regarding any possible sanitary sewer mains that might be located within the utility easement. The City and utility companies should be held harmless in the course of maintaining their facilities. Attached are responses from the utility companies. OG&E was not opposed to the encroachment as long as the owner meets the stipulation stated in their response.

If you have further questions, please feel free to contact me.

KD/tf

Reviewed by: Shawn O'Leary, Director of Public Works

cc: Brenda Hall, City Clerk

Ken Komiske, Director of Utilities



Ken Danner, ken.danner@ci.norman.ok.us – Development Coordinator Manager City of Norman 201 West Gray, Bldg A (P.O.BOX 370)

Norman 73069

LETTER OF NO OBJECTION FOR THE CONSTRUCTION OF A DECK AND CABANA IN THE REAR EASEMENT, NORTH OF THE SOUTH PROPERTY LINE OF LOT 7, BLOCK 3, SECTION 34, AT 4300 MIDDLEFIELD, CLEVELAND COUNTY, NW QUARTER, SECTION 27, T9N, R3W.

NO. 0809-9

Oklahoma Natural Gas Company does not object to the construction of the deck and cabana described above. We do have a previously relocated 2" plastic natural gas distribution main and services in the area listed above, in the rear easement,

However because our mains are close to the construction, we request that Okie One-call system (1-800-533-6543) be contacted a minimum of forty-eight (48) hours before any excavation. Should our facilities be damaged as a result of your installation, you and/or your contractor will be liable for any cost of repairs. These cost could include a cost calculation for gas loss should any occur.

Also, Oklahoma Natural Gas Company will not be responsible for any cost for the repairs to the deck and cabana should it be damaged in the course of operations or maintenance on our facilities in the future. If we can be of any other assistance, please let us know.

Sincerely.

Shannon Davis South Metro Area

Supervisor (405) 366-2451

From: Drew Norlin

Sent: Monday, March 22, 2010 9:12 AM

To: Drew Norlin

Subject: FW: Lot 7, Block 3, Brookhaven Sec 34--a/k/a 4300 Middlefield Consent to Encroach--No. 0809-9

From: Drew Norlin

Sent: Thursday, May 21, 2009 10:43 AM

To: jsullivan@oneok.com; marshall.birchett@cox.com; 'Randy F. Harrell'; Terri Hayes (terri.hayes@att.com);

Thad Peterson **Cc:** Ken Danner

Subject: Lot 7, Block 3, Brookhaven Sec 34--a/k/a 4300 Middlefield Consent to Encroach--No. 0809-9

Please contact Ken Danner regarding this consent to encroach the 17' rear yard utility easements for a proposed pool for the referenced project with your approval or disapproval as soon as possible. His email address is ken.danner@ci.norman.ok.us or call him at 366-5458.

Thanks Drew Norlin

#### **Drew Norlin**

From:

Ken Danner

Sent:

Thursday, March 25, 2010 8:26 AM

To:

**Drew Norlin** 

Subject:

FW: Lot 7, Block 3, Brookhaven Sec 34--a/k/a 4300 Middlefield Consent to Encroach--No.

0809-9

Attachments: ASBUILT 20090521 0014.JPG; ASBUILT 20090521 0010.JPG; ASBUILT\_20090521\_0011.JPG; ASBUILT\_20090521\_0013.JPG;

ASBUILT\_20100322\_0001.JPG

**From:** Thad Peterson [mailto:TPeterson@okcoop.org]

Sent: Wednesday, March 24, 2010 3:12 PM

To: Ken Danner

Subject: FW: Lot 7, Block 3, Brookhaven Sec 34--a/k/a 4300 Middlefield Consent to Encroach--No. 0809-9

Ken.

OEC has no objection to encroachment – No. 0809-9.

#### Thanks,

141 [44] Act NE Sales and the Control 1. 14.15 11 11 4



Thad Peterson Supervisor of Engineering Services

Office: 405-217-6625 Mobile: 405-641-7372 Fax 405-217-6933 tpeterson@okcoop.org

Year Tradist on Energy Compositive Aft



14/34 A . O C HR - HB

From: Drew Norlin [mailto:Drew.Norlin@NormanOK.gov]

Sent: Monday, March 22, 2010 9:32 AM

To: baileytj@oge.com; jsullivan@oneok.com; marshall.birchett@cox.com; Randy F. Harrell; terri.hayes@att.com;

Thad Peterson Cc: Ken Danner

Subject: FW: Lot 7, Block 3, Brookhaven Sec 34--a/k/a 4300 Middlefield Consent to Encroach--No. 0809-9

Please see the new attachment ASBUILT 20100322 0001.JPG to the previous consent to encroach from May 2009's request for a swimming pool. The owners want to add a deck and cabana to the request to encroach the 17' U/E in the rear. I have attached the previous items (ASBUILT 20090521 0014, 0010, 0011, 0013, JPG's) too for reference. Please contact Ken Danner regarding this consent to encroach. His email address is ken.danner@ci.norman.ok.us or call him at 366-5458.

Thanks Drew Norlin



Terri Hayes
Engineering and Construction
6100 S Walker Avenue
Room 111-E
Oklahoma City, OK 73139

May 26, 2009

Consent to Encroach
Utility Easement – No. 0809-9
Brookhaven No. 34 Addition
Lot 7; Block 3
Cleveland County
a/k/a 4300 Middleton
Norman. Ok.

#### To Whom It May Concern:

Review of the above request to encroach the existing utility easements on the above referenced property has been completed. Please be advised that ATT Southwest has no objections to encroach upon said easement under the following advisements.

- a. AT&T does have a buried copper distribution cable located within the 17 foot utility of the above referenced property.
- b. By encroaching on said easement, the property owner hereby releases AT&T of responsibility to repair, rebuild, or maintain any properties placed by property owner in said easement.
- Property owner must ensure accurate up-to-date facilities locates are obtained by contacting OKIE-ONE (1-800-522-6543).
- d. Damage to AT&T facilities resulting from this or any future construction within this easement may carry cost charges to property owner.
- e. Any requests to move and/or lower facilities will be at the property owner's cost.
- f. AT&T retains all of its rights with respect to its property, right-of-way or easement. Specifically, AT&T retains the right to access its telecommunications facilities to repair, maintain or augment its telecommunications network.

If you have any questions, please feel free to contact me on (405) 636-3770.

Sincerely,

Terri Hayes
Manager – OSP Planning and Engineering Design
Norman/Noble Wire Centers
6100 S. Walker, Room 111E
Oklahoma City, Oklahoma 73139



May 28, 200 9

The City of Norman
Planning and Community Development
Attn. Ken D. nner
PO Box 370
Norman, Ck ahoma 73070

To Whom It May Concern:

Cox Communications, has no objection to the encroachment of the swimming pool being place in the back yard of 4300 Middlefield, Lot 7, Block 3, of Brookhaven Number 34 Addition, to the City of Norman, Cleveland County, Oklahoma.

Prior to begin ning any digging and/or trenching activities, please call OKIE-ONE at 1-800-522 6543 for exact location of our facilities. Cost to repair any Cox Communications, facility damage during construction of this project will be the responsibility of the damaging party.

If you have a 1y question or concerns, please feel free to contact our office at (405) 600-6269.

Sincerely

Marshall Birchett Right of Way Agent

cb

PO Box 321 Oklahoma City, Oklahoma 73101-0321 405-553-3000 www.oge.com



**APRIL 21, 2010** 

TROY FLAX 4300 MIDDLEFIELD COURT NORMAN, OK. 73069

<u>DESCRIPTION OF WORK:</u> Encroachment of a built <u>LEGALS OF WORK LOCATIONS</u> 4300 Middlefield Court

Encroachment of a building in 17' U/E 4300 Middlefield Court Lot 7, Block 3, Brookhaven No. 34 Addition

Mr. Flax;

Your request for approval from Oklahoma Gas & Electric Company to permit the encroachment of a cabana in a 17' platted utility easement, near the southwest corner of your lot, has been reviewed. Mark Straka and I visited your property this morning. Based on the layout of the cabana you had marked with stakes and string, the location of the building needs to be moved 18 inches to the east. As long as the building is at least five feet from an existing pad mount transformer, OG&E will approve the encroachment. OG&E does not object to the installation of the cabana in the utility easement, provided you do the following:

- 1.) Notify "Call-Okie" at 840-5032 at least 48 hours before digging to have all lines marked.
- 2.) Maintain at least five feet from any OG&E underground line and pad mount transformer.
- 3.) OG&E would need to be reimbursed for any damage to its facilities.
- 4.) OG&E would not be held responsible for damaging a private line in a (public/platted) easement.
- 5.) OG&E would need to be reimbursed ahead of time for the cost of relocating any facilities.

If there is any disruption to an OG&E customer because of installation of the cabana, you and/or your contractor will be responsible for any costs incurred by OG&E to restore service. Obtaining permission from the city of Norman, or building the cabana constitutes acceptance of the terms of this letter. If you have any questions, please contact me at (405) 553-5174.

Sincerely,

Right-Of-Way Agent

Item 16, being:

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 0809-9 FOR LOT 7, BLOCK 3, BROOKHAVEN NO. 33 ADDITION. (4300 MIDDLEFIELD COURT)

Councilmember Cubberley moved that Consent to Encroachment No. 0809-9 be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Dillingham;

#### Items submitted for the record

- Memorandum dated June 8, 2009, from Leah K. Bunney, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to the Honorable Mayor and Councilmembers
- 2. Consent to Encroachment No. 0809-9
- Registered Survey No. 20043009 dated May 5, 2004, by Curtis Lee Hale, L.S. 1804, Hale and Associates Surveying Company
- 4. Location map
- 5. Letter of request dated May 12, 2009, from Troy A. Flax to City of Norman
- Memorandum dated May 13, 2009, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Doug Koscinski, Current Planning Manager; Ken Danner, Development Coordinator; and Ken Komiske, Director of Utilities
- Memorandum dated June 1, 2009, from Jim Speck, Capital Projects Engineer, to Brenda Hall, City Clerk
- Memorandum dated June 16, 2009, from Ken Danner, Development Manager, to Blaine Nice, Assistant City Attorney
- Memorandum dated June 16, 2009, from Doug Koscinski, AICP, Manager of Current Planning, to Brenda Hall, City Clerk
- Letter dated May 7, 2009, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Troy A. Flax
- 11. Letter dated May 21, 2009, from Thad Peterson, Supervisor of Engineering Services, Oklahoma Electric Cooperative, to Ken Danner, Development Coordinator
- 12. Letter dated May 26, 2009, from Terri Hayes, Manager OSP Planning and Engineering Design, Norman/Noble Wire Centers, AT&T, to Whom It May Concern
- 13. Letter dated May 28, 2009, from Marshall Birchett, Right of Way Agent, Cox Communications, to Ken Danner, Planning and Community Development

and the question being upon approving Consent to Encroachment No. 0809-9 and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Thompson, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Consent to Encroachment No. 0809-9 approved; and the filing thereof with the Cleveland County Clerk was directed.

\* \* \* \*

- 17. ITEM: SPECIAL CLAIM NO. 0910-6: A CLAIM IN THE AMOUNT OF \$3,961.90 FROM OKLAHOMA GAS AND ELECTRIC COMPANY (OG&E) THROUGH CMR CLAIMS MANAGEMENT RESOURCES FOR DAMAGES INCURRED TO A UTILITY POLE AT THE INTERSECTION OF RICH STREET AND CRAWFORD AVENUE BY A POLICE VEHICLE.
  - INFORMATION: The above-described special claim has been examined by the City Attorney and found to be in order and proper as to form. Staff recommends approval. Copies of an advisory memorandum; claim; Staff memorandum; invoice; and police report are included in the Agenda Book.
  - ACTION NEEDED: Motion to accept or reject Special Claim No. 0910-6; and, if approved, direct payment in the amount of \$3,961.90 contingent upon obtaining a Release and Covenant Not to Sue from OG&E.

	× .	
ACTION TAKEN:		
ACTION TAILIN.		



DATE: April 19, 2010

TO: The Honorable Mayor and Councilmembers

Jeff Harley Bryant, City Attorney
Jeanne Snider, Assistant City Attorney THROUGH:

FROM:

AGENDA ITEM - Claim of OG&E **SUBJECT:** 

#### **BACKGROUND**:

A claim has been filed by OG&E in the amount of \$3,961.90, alleging damages when a police cruiser struck a utility pole on October 13, 2009 at the southwest corner of Crawford Avenue and Rich Street.

#### **DISCUSSION:**

This claim was investigated by Captain Glenn Dobry, Professional Standards Division, for the Norman Police Department. He advises that a police officer was attempting to pursue a fleeing vehicle and subsequently lost control of his police unit and struck an OG&E utility pole at the southwest corner of Crawford Avenue and Rich Street.

The accident occurred at approximately 10:15 p.m. on October 13, 2009. After the accident was investigated, OG&E was contacted to repair the damaged utility pole. The utility pole is described as a riser light pole which is anchored into the ground; therefore it was necessary to dig underground in order to secure a new pole. At that point, it was determined that before underground digging could begin, it was necessary to contact OKIE Dig to identify the location of all the utility lines present in the vicinity of the work area. After OKIE Dig responded to the site and identified all the lines, it was approximately 1:00 a.m. before OG&E employees were able to conduct the installation of the new riser utility pole. The installation was performed after normal business hours. therefore, the labor was calculated at the overtime rate of \$117.27 per employee, per hour. There were four employees contacted to install the pole and each employee worked six hours for a total of \$2,814.43 in labor fees.

Other costs associated with reimbursement of this claim included the cost of replacing the riser pole (\$907.47) and transportation costs. OG&E charges a \$10.00 an hour "up keep" fee (oil changes, tires, etc) for each vehicle that is used on a repair call. In this case there were four vehicles used (2 bucket trucks, 1 line truck and 1 pickup) for six hours each. This would be a \$60.00 "up keep" charge for each vehicle for a total of \$240.00 in transportation costs.

Upon investigation of this incident, it appears there is possible negligence on the part of the City in this matter, and, consequently, potential liability on the City. The amount claimed by OG&E for damage to the rise utility pole appears to be reasonable.

Jeff Harley Bryant, City Attorney OG&E Claim April 19, 2010 Page 2

## **RECOMMENDATION:**

Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of OG&E in the amount of \$3,961.90 as above set forth, be approved.

JS:pj

Reviewed by: Steve Lewis, City Manager
Phil Cotten, Chief of Police

Ellen Usry, Deputy City Clerk cc:

09+E: 8559864 CMR: 863546

# CITY OF NORMAN POST OFFICE BOX 370 NORMAN, OKLAHOMA 73070

NOTICE OF TORT CLAIM

CLAIMANT: OG+E, CMUP CALMS TPA	DATE: 01-18-2010
ADDRESS: 1015 N. Classen BIVA	CITY OKC
STATE: <u>OF</u> ZIP: <u>13106</u> PHONE:	(H) N 9 (W) 800.331.4158
DATE OF INCIDENT: 10/13/2009	
LOCATION OF INCIDENT: SW CORYUP OF	Rich & Crawford
STATEMENT OF CIRCUMSTANCES / REASONS YOU	
A city of Norman police cen	iser (# 08-1120) struck
and damaged a 06+E uti	lity pole.
(use additional pages if necessary)	
MONETARY STATEMENT: List of expenses claimed fo	
GHE utility pole s	
\$	
\$	
TOTAL AMOUNT CLAIMED: \$ <u>Undelerm</u>	<u>wild</u>
NAME AND ADDRESS OF INSURANCE COMPANY: _	
A	GENT: 1) A
THIS FORM MUST BE SIGNED AND RETURNED WI'BE PROCESSED.	ΓΗ ALL REQUESTED INFORMATION IN ORDER TO
SWEAR AND/OR AFFIRM THE INFORMATION PROV	/IDED ABOVE IS TRUE AND CORRECT.
FILED IN THE OFFICE OF THE CITY CLERK CL	AIMANT'S SIGNATURE
ON 1-20-10	AIMAN S SWINN UKE



### \*\*\*\*NOTICE OF CLAIM\*\*\*\*

Date: 01-18-2010

### CERTIFIED MAIL, RETURN RECEIPT REQUESTED

To: CITY OF NORMAN CITY CLERK **PO BOX 370** 201 WEST GRAY NORMAN, OK 73070

**CERTIFIED MAIL#** 91 7108 2133 3935 8314 7976

**Damage to OGE SOUTH Property** RE:

**OGE SOUTH Claim Num:** 8559864 10-13-2009 Damage/Discovery Date:

Damage Location: SW CORNER OF RICH & CRAWFORD, NORMAN, OK

Damage County:

Damage Amount: **UNDETERMINED** 

Dear Sir/Madam:

Please be advised that OGE SOUTH Facilities sustained damage as a result of the negligent acts or omissions by employees or agents of CITY OF NORMAN.

Investigation has revealed that on or about 10-13-2009 employees or agents of CITY OF NORMAN, A CITY OF NORMAN POLICE DEPT CRUISER (#08-1120) STRUCK AND CAUSED DAMAGE TO AN OGE UTILITY POLE in the area of SW CORNER OF RICH & CRAWFORD, NORMAN, OK.

### REQUEST FOR GOVERNMENTAL NOTICE FORM

If your Governmental Entity requires the completion of its own form to complete proper notice, please forward a copy to the address listed above. Every good faith effort has been made to identify the proper office and address to perfect our notice. Please forward to your attorney, if misdirected, to contact us. # 060 EXP Matters herein stated are alleged on information and belief this pleader believes to be true. If there is insurance to cover this matter, kindly advise as to the name of the insurance company, its address and the claim number assigned. If you have any questions, or need additional information, please contact me at 1-800-321-4158 ext 8232.

Sincerely, **Holly Finley** 

**Commission Expires** 



DATE: January 20, 2010

TO: Phil Cotten, Police Chief

Jeff Bryant, City Attorney

FROM: Brenda Hall, City Clerk

SUBJECT: Claim from OG&E through CMR Claims Management Resources

I am in receipt of a claim for damages in an undetermined amount from OG&E through CMR Claims Management Resources for damages incurred to a utility pole due to their claim that a police cruiser struck the pole on October 13, 2009, at the southwest corner of Rich Street and Crawford Avenue.

Phil, I would appreciate your checking with your staff regarding verification of the problem. Please report your findings by written memorandum to me with a copy to Jeff.

Jeff, I am forwarding the claim to your office. If further action is needed from my office, please advise.

BH:smr attachment

### **INVOICE**

Remit Payment to: Claims Management Resources PO Box 60770 Oklahoma City, OK 73146 1-800-321-4158

18-Feb-2010

City of Norman PO Box 370 Norman, OK 73070

CLAIM NUMBER:

8559864

Please enclose one copy of this statement with payment to insure proper credit.

DESCRIPTION	UNIT PRICE	AMOUNT
This invoice covers the cost of labor, transportation, and materials necessary to repair the POLE located at Rich & Crawford, Norman, OK  The damage was discovered on: 10/13/2009	•	
Material Labor Transportation Adjustments	·	\$907.47 \$2,814.43 \$240.00 \$0.00
TOTAL		\$3,961.90

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	I

	[ OFFICIAL OKLAHOM/	DO NOT WRITE IN THIS SPACE	OLLISION	REPORT	I in F in Pt	cident Report vestigation Convestigation Mad notographs		Revised X Fetality X Hit and Run X
ll.	NORMAN POLICE DEPARTMENT		2009-			Motor Vehicles Involved	01 Number 0	1 Number 00
COMPLETE	(2) Date of Collision (mm/dd/yyyy) Time	County Number and I			Nearest (	ity or Town Number	·	
Ŝ	10/13/2009 2213	14 CLEVE	LAND		in X Near	20 NOR	MAN	
	(3) Distance from Negrest City or Town Limits		i # Int ID Loca	ition	East Grid	North Grid	Administrative	
	Mi N FI. S	Mi		!	1		<u> </u>	
	(4) Street, Road or Highway CRAWFORD AVE		Distance from	] M [] N [	E RICH	t) Intersecting Stree	C, Road or Fagaway	
	(Chille) Comments Total I not Name		First	FLX SX	Wolfiddle		Suffix Date of	Birth (mm/dd/yyyy) Sex
	OA 99 D CHU UNKNOWN							
	(6) Address	City			State Zip		Telephona (Use Area	Code)
	(7) Oriver License Number		State	Class End	lorsement(s) Restn	clion(s) Inf. Sev.	Type of Injury	Drv.Ped. Cond. OP Use
	(6) Ejected Extricated Test (% BAC) Transp	crited by	To Medical Facility	, <i> </i>	License Piste N	umber	State Mo	th Year
	Air 5 0.				UNKNOW	N	99 99	99
	(8) VIN		Vahicle Year	Color	F	Aako		Veh. Canf. O1 Extent of 1
	9		9	RED	0	PONT		Osmage
5	(10) Insurance Company Name			olicy Number		<del></del>	Insurance Telephone	(Use Ares Code)
Q	Verification [11] Vehicle Removed by	C	hyner's Lesi Neme		First		Middle	\$uffix
1	Dover X	Oriver UN	KNOWN					
0	(12) Owner's Address	City		State Zip		Oversized O	Towad Vah. Type	ed Phone present
₹2		L				Load 0	00 Bum	
5	(13) Citation Number	Statute/Ordinance Number		Citation Number			Statute/Ordinance Number	
Ħ	(14) Unit Occupants Type He & Last Name		First		Middle		Suffix Date of	Birth (mm/dd/yyyy) Sex
7	O1 D1 D CMV HUNI		JACOB		DON	· · · · · · · · · · · · · · · · · · ·		24/1974 M
	(15) Address 201-B W GRAY	City NORM/	AN		OK 730	)69	Telephone (Use Area 4053211600	Code)
	(18) Driver License Number		State	Class End	lorsement(s) Restr	•	Type of injury	Dry./Ped. Cond. OP Usa
			ОК	DM		4	35	01 04
		orted by	To Medical Facility		License Plate N	umber	State Mo	
	Beg 2 1 1 5 0, EMS	STAT	NRH Vehicle Year	Color	364331	Vake	Model OK 12	2009 Veh. Conf.
	2FAFP71V48X176836		2008	BLK		FORD		02 Extent of 4
	(19) Insurance Company Name		Pol	icy Number			Insurance Telephone	(Use Area Code)
	Insurance Verification							
	(20) Vehicle Removed by	Same as	VOE NODALA		First		Middle	Sutfix
	CITY OF NORMAN FLEET MAINT	City	Y OF NORMAN	State Zip			Towed Veh. Type	
	201 W GRAY ST	NORMAN		,	069	Oversized 0		ed Phone present X
	(22) Citation	Statute/Ordinance		Citation				HOU PHONE III USE L
	Number (23) Investigating Officer	Number Badge Number Tr	p/Div. Assigned T	Number rp/Div. Location	Reviewer (Init.)	Reviewer Sedoe	Number Date of Repo	t Immiddhorar
ال	CAPT FOSTER	8906		·	MB	9691	3 10/14/20	
	Unit Type Injury Severity  D Daiver 2 Other Cyclistic N/A 4 Incapacitation P Padegrae C Period Car 1 No Injury 5 Felal	Type of Injury	DG Blet Analicable	Pedestrian Condition 05 Under the	an a		Occupant Protection (OP)	in Uso
1250	K Padastrian A Animat 2 Pataithia 9 Utiknown Conversance T Train 12 Non-	2 Truck - 4 Arms External 5 Legs	01 Apparently Normal 02 Decision - Abitty Imm	indusence o mired Medication rage Of Very Tired	( 09 Dizzy/Fam) 01 s 10 Emolional 02 11 Other 03	Not Applicable None Used Lap Bell Only Shoulder Bell Only Shoulder and Lap Bell	05 Child Restraint Type 06 Restraint Used - Typ 07 Heims! 08 Child Restraint - Few 09 Child Restraint - Rea	B Unknown 11 Other 99 Unknown
0×0	Air Bag Deployed Ejected	Extrigated	Chemical Test	Extent of Durage	Insurance Verifica		Towed	Vehicle Type
3	8 Not Applicable 4 Deployed - Other (pres. ) Not Applicable 3 Ext 1 Not Deployed as bed, vio 2 2 Deployed - Front 6 Deployed - Combination 3 Deployed - Side 9 Deployment Unbanown Parlially	tety 1 No 1 Blood known 2 Yes 2 Brest	n 6 Oliver I	0 NVA 3 Function 1 None 4 Disablin 2 Million 8 Unknow	nsila N/A 3 Opera g 1 No 4 Examp n 2 Owner	P Permitted	00 N/A 05 Anothe 01 Boat Trader 06 Utilly 02 House Trader 07 Homes	Trailler 10 Camping Trader   made 11 Combination
5	3 Deployed - Side 9 Deployment Uniong Will Pariship	3 8000	Riest				03 Farm Trailer Tyniler 04 Horse Trailer 68 Box Tr	12 Other I
50	WARNING - STATE LAW Use	e of contents fo	r commerci	ai Solicitat	uon is unia	wtu!	DPS: 01	92-01 REV 0107

17-7

Case Number 2003	<del>-</del> 13501				Pg <sup>2</sup> of <sup>5</sup>
(24) Unit	Pos in Veh. Last N		Firal	Middle	Suffix DOB(mm/dd/yyyy) Sex
00 Injured	Prop. Owner X 00 OG&E				
(25) Address	Prop. Owner X	City		State Zip Tele	phone (Use Area Code)
Same as DO DOV 3	71		KLAHOMA CITY	<u> </u>	02729741
PO BOX 3					
(26) Injury Severity / Type	OP Use Air Bag Ejecte	d Extricated Transported	by	To Medical Facility	Property Type
1 11				<b>}</b> }	UTILITY POLE
(27) Unit	Pos in Veh Last N	swe	First	Middle	Suffix DOB (mm/dd/yyyy) Sex
Injured	Passenger				
Winess	Prep Owner				
(28) Address		City	Y	State Zip Tele	phone (Use Area Code)
Direct 15				11  11  11	
(28) Injury Severity / Type	OP Use Air Bag Ejecte	d Extricated Transported	by	To Medical Fecility	Property Type
720113	Pos in Vets. Last N			Middle	Suffix DOB (mm/dd/yyyy) Sex
(30) Unit	Passenger Passenger	Aut and a second	First First	- Industrial Property of the Control	Suffix DOB (mrt/dd/yyyy) Sex
Witness	Prop. Owner		11	11	11 11 11
(31) Address		City		State Zip Tela	phone (Use Area Code)
Same as Drivor					
(32) Injury Severity / Type	OP Use Air Bag Electer	d Extricated Transported	bv	To Medical Facility	Property Type
,,, , outsiny, .ype				7	7
(33) Unit	Pos in Veh. Lest N	ame	First	Middle	Suffix DOB(mm/dd/yyyy) Sex
injured Villages	Prosenger Prop. Owner				
(34) Address		City		State Zip Tele	phone (Use Area Code)
Same as		7			Printe (Date 1 de Date)
Driver					
(35) Injury Seventy / Type	OP Use Air Bag Ejected	Extricated Transported	by	To Medical Facility	Property Type
1 11				- [1]	11
	- Charles ( 47 Address)		n se promotor need answere a consequen-	Principles of the second second second	
Complete infor	mation below it this ve	enicle is being u	ised for COMMERCE	BUSINESS and has a l	GVWR/GCWR IN EXCESS
OF 10,000 LBS	i., or has a HAZMAT PL	.ACARD, or is a	BUS WITH SEATING	FOR NINE OR MORE	INCLUDING THE DRIVER
(36) Unit Carrier Name			Address		
1 11					
(37) City			State Zip	0 - 10K lbs. Axle	Qly. Cargo Body Vehicle Use
				GWR	
		11	11	10.001 - 25K lbs 1	Interetate Commerce
				GCWR 10,001 - 25K lbs 25K+ lbs.	
(38) U.S. OOT Number	NASI Report Numb	er	Placard Number	GCWR 10,001 - 25K lbs 25K, lbs. Haz. Mat. Class Hsz, Mat. Involved	Haz. Mat. Release
(38) U.S. DOT Number	NASI Report Numb	er	Placard Number	GCWR 25K+ ibs.  Haz. Mat. Class Haz, Mat. hmolyad  Yes	Haz. Mat. Religible Ves Other Non-Commercial
(38) U.S. DOT Number		Her .	Placard Number Address	GCWR 10,001 - 25K lbs 25K, lbs. Haz. Mat. Class Hsz, Mat. Involved	Haz. Mat. Release
		er		GCWR 25K+ ibs.  Haz. Mat. Class Haz, Mat. hmolyad  Yes	Haz. Mat. Religible Ves Other Non-Commercial
(39) Unit Carner Name			Address	GOWR 10.001 - 28K Res   Hez. Met. Class Hez. Met. Knol yed Yes Ne	Hez. Mel. Release Yes Other Non-Commercial No Government
				GCWR 10.001-28K Re Haz. Mat. Class Hez. Mat. Throllyad Yes No No Axie	Hez. Mel. Release Yes No Government  Qty. Cargo Body Vehicle Use
(39) Unit Carner Name			Address	GCWR 10.001 - 28K Rbs   Hez. Mat. Class Hez, Mat. Kmolyad Yes   No. No.   Axie	Hez. Mel. Religese Yee Other Non-Commercial No Government  Qty. Cargo Body Vehicle Use Interests Commerce
(39) Unit Carner Name		s	Address	GOWR 25K+ 8e. Hez. Met. Kmalved  Yes Met. Class Hez. Met. Kmalved  Yes Met. Max. Axie  10,001 - 26K 8e. Axie  GOWR 26K+ 8e. Axie	Haz. Mat. Release  Yes Other Non-Commercial
(39) Unit Certer Name	OK	s	Address State Zip	GCWR 25K+ 8bs 4 25K+ 8	Haz. Mat. Release  Yes Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Interstate Commerce  Interstate Commerce  Interstate Commerce  Other Non-Commercial
(39) Unit Certer Name	OK NASI Report Numb	s	Address State Zip	GOWR 25K+ 8b. Hez. Met. Kmolyed Yes Met. Mod Ves Met. Kmolyed Yes Met. Mod Ves Met. Kmolyed Yes Met. Mod Ves Met. Mod Met. Met. Met. Met. Met. Met. Met. Met.	Haz. Mal. Release  Yes Other Non-Commercial  No Government  Qty. Cargo Body Vehicle Use Intendate Commerce  Haz. Mat. Release
(39) Unit Carmer Name (40) City (41) U.S DOT Number	NASI Report Numb	er	Address State Zip Placard Number	GOWR 25K+ 8bs Hzz, Met. kmotved  Yes Mo  GOWR 10,001 - 25K 8bs Hzz, Met. kmotved  Yes Mo  GOWR 10,001 - 25K 8bs Azile  10,001 - 25K 8bs Hzz, Mat. Involved  Yes No  No	Haz. Mal. Religione  Yes Other Non-Commercial
(39) Unit Carmer Name (40) City (41) U.S DOT Number	OK NASI Report Numb	er Ve	Address  Address  Placerd Number  Placerd Number	GOWR 10.001 - 25K Rbs   Hzz. Mat. Class Hzz. Mat. Kmal ved No   No   Axie Gowr 26k rbs   Hzz. Mat. Involved Yes   No   No   C	Haz. Mat. Release  Yes Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Interstate Commerce  Interstate Commerce  Interstate Commerce  Other Non-Commercial
(39) Unit Carmer Name (40) City (41) U.S DOT Number	NASI Report Numb	er Ve	Address  State Zip  Placard Number  Phicle Configuration	GOWR 25K+ 8bs Hzz, Met. kmotved  Yes Mo  GOWR 10,001 - 25K 8bs Hzz, Met. kmotved  Yes Mo  GOWR 10,001 - 25K 8bs Azile  10,001 - 25K 8bs Hzz, Mat. Involved  Yes No  No	Haz. Mal. Religese  Yes Other Non-Commercial  Government  Other Non-Commercial  Government  Other Non-Commercial  Haz. Mart. Relieuse  Yes Other Non-Commercial
(39) Unit Carmer Name (40) City (41) U.S DOT Number	NASI Report Numb	er Ve	Address  Address  Placard Number  Placard Number  Phicle Configuration  School Bus 13. Bus/Large Van	GOWR 25K+8b- Hz. Mat. Kmalved  Yes No	Haz. Mal. Release  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Intrastate Commerce  Intrastate Commerce  Other Non-Commercial
(39) Unit Carmer Name (40) City (41) U.S DOT Number	NASI Report Numb	OO. N/A 07	Address  Placard Number  Phicle Configuration	GOWR 25K+ 8bs Hz, Met. kmalved  yes No. 10,001 - 26K 8bs No. 10,001 - 26	Haz. Mal. Release  Yes Other Non-Commercial  Government  Other Non-Commercial  Government  Intrastate Commerce  Intrastate Commerce  Intrastate Commerce  Other Non-Commercial  Intrastate Commercial  Intrastate Commer
(39) Unit Carmer Name (40) City (41) U.S DOT Number	NASI Report Numb	oo. N/A  O1 Passenger Veh2 Dr	Address  Placard Number  Placard Number  Placard Number  13. Bue/Large Van 9-15 occupants Including driver	GOWR 25K+8b- Hz. Mat. Kmalved  Yes No	Haz. Mal. Release  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Intrastate Commerce  Intrastate Commerce  Other Non-Commercial  Other
(39) Unit Carmer Name (40) City  (41) U.S DOT Number	MASI Report Numb OK OK Ion in Vehicle	or Ve Oo. N/A O7 O1 Peasenger Veh-2 Dr O2 Peasenger O8.	Address  Placard Number  Placard Number  Placard Number  13. Bus/Large Van 9-15 occupants	GOWR 25K+8e- Hz. Met. kmotved  Yes No Avie  GOWR 25K+8e- Hz. Met. kmotved  Yes No Avie  GOWR 10,001-25K Re- Avie	Haz. Mal. Release  Vee Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Intrastate Commerce  Intrastate Commerce  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Intrastate Commercial  Other Non-Commercial  Other Non-Commercial  Intrastate Commercial  Other Non-Commercial  Intrastate Commercial  Other Non-Commercial  Intrastate Commercial  Other Non-Commercial  Intrastate Commercial  Intrastate Commerci
(39) Unit Carmer Name (40) City  (41) U.S DOT Number	NASI Report Numb	OO. N/A  O7  O1 Passenger Veh2 Dr O2. Passenger Veh4 Dr O3. Passenger O9. O3. Passenger	Address  Placard Number  Placard Number  Placard Number  Placard Number  13. Bue/Large Van 9-15 occupants Induding driver	GOWR 25K+ 8b- Hz. Mat. Kmolved Yes No	Haz. Mat. Release  Other Non-Commercial  Oth
(39) Unit Carmer Name (40) City  (41) U.S DOT Number	MASI Report Numb OK Ion in Vehicle	oo. N/A  O7  O1 Passenger Veh2 Dr O2. Passenger Veh4 Dr O3. Passenger Veh. Conv.	Address  Placard Number  Placard Number  Placard Number  Placard Number  13. Bue/Large Van 9-15 occupants Including driver  14. Bus 16+ occupants	GOWR 25K+8e- Hz. Met. kmalved  Yes No	Haz. Mat. Release Other Non-Commercial Other Non-Commercial Other Non-Commercial Other Non-Commercial Other Non-Commercial Intrastate Commerce Intrastate Commerce Other Non-Commerce Other Non-Commercial Othe
(39) Unit Carmer Name (40) City  (41) U.S DOT Number	MASI Report Numb OK OK Ion in Vehicle Se	oo. N/A  O7  O1 Passenger Veh2 Dr  O2. Passenger Veh Dr  O3. Passenger Veh. Conv.  O9.	Address  Placard Number  13. Bus/Large Van 9-15 occupants Including driver  Truck/Trailer  14. Bus 16+	GOWR 256+ 8b Hz. Mat. frivalved Ves No	Haz. Mal. Release  Vee Commercial  Other Non-Commercial  Other Non
(39) Unit Carmer Name (40) City  (41) U.S DOT Number	MASI Report Numb OK Ion in Vehicle	OO. N/A  O7  O1 Passenger Veh2 Dr Veh2 Dr Veh4 Dr Veh4 Dr Veh4 Dr Veh4 Dr Veh4 Conv.  O9.	Address  Plecard Number  Plecard Number  Plecard Number  Plecard Number  13. Buel arge Van 9-15 occupants Including driver  14. Bus tit- accupants Including divisor  15. Buel arge Van 9-15 occupants Including driver  16. Bus tit- accupants Including driver  17. Inck-Tractor	GOWR 25K+8e- Hz. Met. kmalved  Yes No	Haz. Mal. Release  Vee Commercial  Other Non-Commercial  Other Non
(39) Unit Carmer Name (40) City  (41) U.S DOT Number	MASI Report Numb OK OK Ion in Vehicle Se	OO. N/A  O7  O1 Passenger Veh2 Dr O2. Passenger Veh. Conv.  O4. Pickup	Address  Placard Number  13. Bus/Large Van 9-15 occupants Including driver  14. Bus 169  Truck-Tractor (Bobtail)	GOWR 25K+8e Hz. Met. kmalved Yes No	Haz. Mat. Release  The Non-Commercial  Other Non-Commercial  Intrastite Commercial  Other Non-Commercial  Other Non-Commer
(40) City  (41) U.S DOT Number  Posit  (11) (2) (2) (2) (2) (2) (2) (2) (2) (2) (2	MASI Report Numb OK OK Ion in Vehicle Sign 55 OG	oo. N/A  O7  O1 Passenger Veh2 Dr O2. Passenger Veh4 Dr O3. Passenger VehCorv. O9.  O4. Pickup 10	Address  Plecard Number  Plecard Number  Plecard Number  Plecard Number  13. Buel arge Van 9-15 occupants Including driver  14. Bus tit- accupants Including divisor  15. Buel arge Van 9-15 occupants Including driver  16. Bus tit- accupants Including driver  17. Inck-Tractor	GOWR 25K+ 8b Hz. Mat. Kmalved  Yes No Avie  GOWR 10,001 - 25K Rb Hz. Mat. Kmalved  Yes No Avie  GOWR 28K+ 8b Hz. Mat. Kmalved  Yes No Avie  10,001 - 25K Rb Hz. Mat. Involved  Yes No OO. N/A  18. Farm Machinery  01 Bus 9-15 seats  20. SUV  03. Van / Endosed Box / Endos	Haz. Mat. Release  Yes Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Interdate Commerce Interdate Interdate Commerce Interdate Interdate Commerce Interdate I
(39) Unit Carmer Name (40) City  (41) U.S DOT Number	NASI Report Numb OK Ion in Vehicle 59 55 22 31 35 55 60 00. Not Applicable	oo. N/A  O7  O1 Passenger Veh2 Dr O2. Passenger Veh4 Dr O3. Passenger VehCorv. O9.  O4. Pickup 10	Address  Placard Number  Placard Number  Placard Number  Placard Number  13. Bue/Large Van 9-15 occupants Induding driver  14. Bus 16+ occupants Induding driver  Truck-Tractor (Bobtail)	GOWR 19.001-28K Ro Hz. Mat. Class Hz. Mat. Chass Hz. Mat. throlyed Yes No	Haz. Mat. Release  Yes Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Interdate Commerce Interdate Commerce Interdate Commerce Interdate Commerce Other Nan-Commerce Other Nan-Commerce Other Nan-Commerce Interdate Commerce Interdate Commerce Other Nan-Commerce Interdate Commerce Interdate Commerce Interdate Commerce Interdate Interdate Commerce Interdate Interdate Commerce Interdate Interdate Commerce Interdate I
(40) City  (41) U.S DOT Number  Posit  (11) (2.13 (2) (2) (2) (2) (2) (2) (2) (2) (2) (2)	MASI Report Numb OK  Son in Vehicle  55 55 55 55 55 55 55 55 56 56 56 57 58 58 58 58 58 58 58 58 58 58 58 58 58	OO. N/A  OT  Peasenger Veh2 Dr OS. Passenger Veh. Conv.  O4. Pickup  O5. Single Unit	Address  Plecard Number  Plecard Number  Plecard Number  Plecard Number  Plecard Number  13. Bust arge Van 9-15 occupants including driver  Truck-Tractor (Bobtail)  Truck-Tractor/ Sami-Trailor  15. Motorcycle	GOWR 25K+ 8b 4  Hez. Met. Class Hez, Met. kmotved Yes No	Haz. Mat. Release  Yes Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Interdate Commerce Interdate Interdate Commerce Interdate Interdate Commerce Interdate I
(40) City  (41) U.S DOT Number  Posit  (11) (2) (2) (2) (2) (2) (2) (2) (2) (2) (2	NASI Report Numb OK Ion in Vehicle 55 55 55 55 55 55 55 55 55 55 55 55 55	or Vendon or Ven	Address  Plecard Number  Plecard Number  Plecard Number  Plecard Number  13. Buel arge Van 9-15 occupants Including driver  14. Bus 164 occupants Including driver  Truck-Tractor/ (Bobtail)  15. Motorcycle  17. Motorcycle  16. Motor Scooter/  16. Motor Scooter/	GOWR 25K+8e- Hz. Mel. kmolved Yes No	Haz. Mat. Release  Other Non-Commercial  Oth
(40) City  (41) U.S DOT Number  Posit  (11) (2.13 (2) (2) (2) (2) (2) (2) (2) (2) (2) (2)	NASI Report Numb OK Ion in Vehicle 55 55 55 55 55 55 55 55 55 55 55 55 55	or Vendon or Ven	Placard Number  Placard Number  Placard Number  Placard Number  13. Bue/Large Van 9-15 occupants Induding driver  14. Bus 16+ 0ccupants Induding driver  Fruck-Tractor (Bobtail)  Truck-Tractor Semi-Trailer  15. Motorcycle	GOWR 10.001 - 25K Re Hz. Met. kmot yed Yes Met. kmot yet Met. Met. kmot yet Met. kmot ye	Haz. Mat. Release  Yes Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Other Non-Commercial  Intrastate Commerce  Intrastate Commerce  Other Non-Commerce  Intrastate Commerce  Other Non-Commerce  Other Non-Commerce  Intrastate Commerce  Other Non-Commercial  Intrastate Commerce  Intrastate Commerce  Other Non-Commercial  Intrastate Commerce  Intrastate C
(39) Unik Carner Name (40) City  (41) U.S DOT Number  Posit (55) (1) (2) (3) (2) (2) (3) (3) (3) (3) (4) (4) (4) (5) (5) (5) (5) (5) (5) (6) (6) (6) (6) (6) (6) (6) (6) (6) (6	MASI Report Numb OK  Ion in Vehicle  55 55 55 55 55 55 55 55 55 55 55 55 5	or Vendon or Ven	Address  Plecard Number  Plecard Number  Plecard Number  Plecard Number  13. Buel arge Van 9-15 occupants Including driver  14. Bus 164 occupants Including driver  Truck-Tractor/ (Bobtail)  15. Motorcycle  17. Motorcycle  16. Motor Scooter/  16. Motor Scooter/	GOWR 25K+ 8b- Hz. Mat. Kmotwad Yes No	Haz. Mat. Release  Other Non-Commercial  Oth
(39) Unik Carner Name (40) City  (41) U.S DOT Number  Posit (55) (1) (2) (3) (2) (2) (3) (3) (3) (3) (4) (4) (4) (5) (5) (5) (5) (5) (5) (6) (6) (6) (6) (6) (6) (6) (6) (6) (6	MASI Report Numb OK Ion in Vehicle SS SS SS OO. Not Applicable 18. Front Row - Other 28. Second Row - Other 38. Trid Row - Other 48. Fourth Row - Other 50. Sleeper Section of Truck Cab See manual for adorkensi	oo. N/A  O7  O1 Passenger Veh2 Dr O2. Passenger Veh4 Dr O3. Passenger Veh. Conv.  O9.  O4. Pickup  O5. Single Unit Track, 2 axles  O6. Single Unit 12.	Address  Plecard Number  Plecard Number  Plecard Number  Plecard Number  Plecard Number  13. Buel arge Van 9-15 occupants Including driver  14. Bus 164 occupants Including driver  Semi-Trailer  15. Motorcycle  Truck-Tractor  Truck-Tractor  16. Motor Scooler  Mapeg	GOWR 2564 Be Hez. Met. Class Hez. Met. Chass Hez. Met. Chass Hez. Met. throuved Yes Met. Mo. 10,001 - 26K Be 26K be 10,000 N/A  18. Ferm Machinery 01 Bus 9-15 seets 19. ATV 02. Bus 18+ seats 20. SUV 02. Bus 18+ seats 20. SUV 03. Van / Endosed Box / Slock Trailer 22. Truck more than 10,000 bis. Carvol Classify 23 Van 10,000 bis. or Less 24 Other 04 Cher 10,000 bis. On 10,000 bis. or Less 24 Other 10,000 bis. On 10,000 bis. or Less 24 Other 10,000 bis. On 10,000 bis.	Haz. Mat. Release  Yes Other Non-Commercial
(39) Unit Carner Name (40) City  (41) U.S DOT Number  Posit (55) (1) (2) (3) (2) (2) (2) (3) (3) (3) (4) (4) (4) (5) (5) (1) (1) (1) (5) (6) (7) (1) (1) (8) (8) (8) (8) (8) (8) (8) (8) (8) (8	OK  NASI Report Numb  OK  Ion in Vehicle  55  55  55  00. Not Applicable 18. Front Row - Other 28. Second Row - Other 48. Fourth Row - Other 48. Supplication of Truck Cab	oo. N/A  O7  O1 Passenger Vehd Dr  O2. Passenger Vehd Dr  O3. Passenger Veh. Conv.  O9.  O4. Pickup  O5. Single Unit Truck, 2 axies  O6. Single Unit 12.	Address  Placard Number  Placard Number  Placard Number  Placard Number  Placard Number  13. Bus/Large Van 9-15 occupants Including driver  Pruck-Tractor/ (Bobtail)  Truck-Tractor/ Semi-Trailer  15. Motorcycle  Truck-Tractor/ Double  16. Motor Scooter/ Mapes	GOWR 10.001 - 25K Rbs Hz. Mat. Kmalved Yes Ma No	Haz. Mal. Release  Other Non-Commercial  Oth

Case Number 2009-1	3501		ANOWA IKAFFIC	COLLISION REPORT Pg 3 of 3
	n Roadway Open to Collision	Pedestrien / Pedalcyclist Only or Location at Time Safety Unit Num of Collision Fault Vehicle S	IDDC Of 11	or near a construction, maintenance or utility Yes No X
correspond OA to Unit 1	02   25		Type of Work	Zone Location of the Work Zone Collision
This unit will correspond to 'Unit 2'	02 25		1 Lane Closure 2 Lane Shift/Crossove	1 Before the First Work Zone Warning Sign
10 UNIT 2	Unit 1 Unit 2	! Unit 1 Unit 2	3 Work on Shoulder o	r Median 2 Advance Warning Area
Light 3	Must C	Underride/ Override 0 0	9 Unknown	4 Activity Area
1 Daylight 2 Dark-Not Lighted	Was Going 02 02 to Do	0 Not Applicable		5 Termination Area 9 Unknown
3 Dark-Lighted 4 Dawn	00 Not Applicable 01 Go Ahead	1 No Underride or Override		irs Present Yes No Unknown
5 Dusk	02 Turn Left	Underride, Compartment Intrusion	Unit 1 Unit 2	Unsafe / Unlewful Unit 1 Unit 2
6 Dark-Unknown Lighting	03 Turn Right 04 Make "U" Turn	3 Underride, No Compartment Intrusion	Trafficway 2 2	Contributing Factors 10 29
7 Other 9 Unknown	05 Stop 06 Slow for Cause	4 Underride, Compartment Intrusion Unknown	0 Not Applicable	FAILED TO YIELD 49 Tires
ļ	07 Start from Park/Stop 08 Change Lanes	Override, Motor Vehicle in Transport	1 One Way 2 Two-Way - Not Divided	01 From Stop Sign 50 Suspension 02 From Yield Sign 51 Headlights
Weather 02	09 Overtake 10 Pess	6 Override, Other Motor Vehicle	3 Two-Way - Divided 4 Two-Way - Divided -	03 Private Drive 52 Tell Lights 04 County Road at 53 Stop Lights
01 Clear 02 Fog/Smog/Smoke	11 Back	9 Unknown	Positive Median Barrier 5 Turn Lane	Through Highway 54 Wheel 05 From Signal Light 55 Exhaust System
03 Cloudy	12 Remain Stopped 13 Remain Parked	Traffic Unit 1 Unit 2	8 Ramp/Loop	06 From Alley 56 Windshield Wipers
04 Rain 05 Snow	14 Enter/Merge in Traffic 15 Negotiate a Curve	Control 00 00	7 Driveway 8 Alley / Parking Lot	07 To Pedestrian 57 Other Mechanical Defects 08 To Vehicle on Right LEFT OF CENTER
05 Sleet/Hall (Freezing Rain/Drizzle)	16 Park 17 Other	00 No Control 01 Stop Sign	9 Unknown	09 To Vehicle in 58 in Meeting intersection 59 No Passing Zone (Unmarked)
07 Severe Crosswind 08 Blowing Snow	99 Unknown What Unit 1 Unit 2	_ 02 Traffic Signal	Vehicle Unit 1 Unit 2	10 To Emergency 60 Marked Zone Vehicles 61 Other
09 Blowing Sand, Soil, Dirt	Yehicle Did 02 16	04 School Zone Signs 05 Yield Sign	Removal 0 1	12 Other IMPROPER OVERTAKING FOLLOWED TOO 52 In Marked Zone
10 Other 99 Unknown	00 Not Applicable	106 Warning Sign	0 Not Applicable 1 Towed Due to	CLOSELY 83 On Hill/Curve 13 Human Element 64 At Intersection
1	01 Went Ahead 02 Turned Left	07 Railroad Advance Warning Sign	Vehicle Damage 2 Towed For Reasons	14 Traffic Condition 65 Without Sufficient Clearance 66 Other
Locality 1	03 Turned Right	08 Railroad Cross Bucks 09 Railroad Gates	Other Than Damage 3 Remained at Scene	UNSAFE SPEED IMPROPER PARKING 16 Driver's Ability (Aged) 57 On Roadway
1 Residential 2 Susiness	04 Entered "U" Turn 05 Stopped	10 Railroad Signal 11 No Passing Zone	4 Driven from Scene	17 Inexperienced Driver - 68 Where Prohibited Young 69 Other
3 industrial	08 Slowed 07 Started From Park/Stop	12 Person (including flagger, law enforcement, crossing	9 Unknown	18 Exceeding Legal Limit INATTENTION
4 School 5 Not Built-up	08 Entered Other Lane 09 Overtaking	guard, etc.) 13 Abnormal Control	Vehicle Unit 1 Unit 2	19 For Traffic Conditions 70 Distracted by Passenger In 20 For Type of Roadway Vehicle
6 Mixed Use 7 Other	10 Passing 11 Backed	14 Other	Condition 99 01	(Gravel, Dirt, etc.) 71 Other Distraction Inside 21 For ice or Snow on Vehicle
9 Unknown	12 Remained Stopped	99 Unknown	00 Not Applicable	Roadway 72 Distraction From Outside 22 Rain or Wet Roadway Vehicle
Type of intersection 0	13 Remained Parked 14 Entered/Merged	Road Unit 1 Unit 2	01 Apparently Normal 02 Brakes	23 Wind 73 Other 24 Other Weather WRONG WAY
0 Not an Intersection	15 Departed Rowy-Right 16 Departed Rowy-Left	Surface Conditions 02 02	03 Headlights 04 Steering	Conditions 74 On One Way 25 Vehicle Condition 75 On Exit Ramp
2 Y-Intersection 3 T-Intersection	17 Swerved Right 18 Swerved Left	01 Dry	05 Tail Lights 06 Brake Lights	26 View Obstruction 76 On Entrance Ramp 27 On Curve/Turn 77 Other
4 Four-Way Intersection	19 Parked 20 Other	02 Wet 03 Ice/Frost	07 Tires/Wheels 08 Suspension	28 Impeding Traffic IMPROPER START FROM
5 Five-Point or More 6 Intersection as Part	99 Unknown	04 Snow 05 Mud, Dirt, Gravel	09 Signal lights 10 Windows	IMPROPER TURN 79 Other
of Interchange 7 Traffic Circle	Visibility Unit 1 Unit 2 Obscured	06 Stush 07 Water (standing, moving)	11 Truck Coupling/Trailer Hitch/Safety Chains	30 From Wrong Lane 80 ALCOHOL-DUI/DWI 31 From Direct Course 81 DRUG-DUI
8 Roundabout 9 Unknown	by 00 15	D8 Sand 09 Oil	12 Mirrors 15 Other	32 Right OTHER IMPROPER ACT/ 33 Left MOVEMENT
	00 Not Applicable	10 Other 99 Unknown	13 Wipers 99 Unknown 14 Power Train	34 Turn About/U-Turn 82 Falled to Signal 35 To Enter Private Drive 83 Disregarded Warning Signal
Incident Type 00	02 Embankment 03 Building		Special Unit 1 Unit 2	36 in Front of Oncoming 84 Improper Use of Lane Traffic 85 Improper Backing
00 Not an incident 51 Private Property	04 Signs	Road Character	Function of Vehicle 00 08	37 Other 88 Apparently Sleepy 38 CHANGED LANES 87 Failed to Secure Load
52 Deliberate Intent 53 Medical Condition	05 Parked Vehicles 06 High Weeds	Grade Unit 1 Unit 2 1 Level 7 1	00 Not Applicable	UNSAFELY 88 Other/Unknown 39 STOPPED IN UNKNINO IMPROPER ACT
54 Legal Intervention 55 Suicide	07 Fences 08 Shrubbery	3 Uphill	01 School Bus 02 Transit Bus	TRAFFIC LANE 89 Deer in Readway  FAILED TO STOP 90 Animal in Roadway
57 Drowning	09 ice, Snow or Frost on Windows	4 Downhill 5 Sag (bottom)	03 Intercity Bus 04 Charter Bus	40 For Stop Sign 91 Domestic Animal in Rowy
58 Other	10 Smoke 11 Fog	Road Unit 1 Unit 2	05 Other Bus 06 Military	42 For School Bus 93 Avoiding Pedestrian
Location of First Harmful Event	12 Dust 13 Rain	Alignment 1 1	07 OHP 08 Other Police	Signal 95 Defect in Roadway
01 On Roadway	14 Sun	Curve-Left [ ]	09 Other Law Enforcement	44 For Officer/Flagman 96 Abnormal Traffic Control 45 At Sidewalk/Stopline 97 Improper Bicyclist Action
02 Shoulder	15 Other 99 Unknown	3 Curve - Right	10 Ambulance 11 Fire Truck	48 Olher 98 NO IMPROPER ACTION BY UNSAFE VEHICLE DRIVER
03 Median 04 Roadside	Driver Unit 1 Unit 2	Road Unit 1 Unit 2	12 Public Owned Vehicle 13 Highway Equipment	47 Brakes 99 PEDESTRIAN ACTION 48 Steering
05 Gore 06 Separator	Distracted 9 9	Surface Type 2 2	14 Special Mobilized Machine 15 Other 99 Unknown	Point of First Unit 1 Unit 2
07 Parking Lane/Zone   08 Off Roadway,	0 Not Applicable/None	1 Concrete	Emergency Unit 1 Unit 2	Contact on Vehicle 00 12 10
Location Unknown 09 Outside Right-of	Electronic Communication     Devices	2 Asphalt 3 Gravel	Vehicle Responding to 0	Most Damaged Unit 7 Unit 2
Way 10 Other	2 Other Electronic Device 3 Other Inside Vehicle	4 Dirt 5 Brick	an Emergency	Area 00 12
99 Unknown	4 Other Outside Vehicle 9 Unknown	6 Other 9 Unknown	0 N/A 2 No 1 Yes 9 Unknown	00 Not Applicable 14 Undercarriage
				13 Top 99 Unknown DPS: 0192-03 REV 0107

Case Number 2009-13501	Longitude .	Railroad Crossing Number	Roadway Orientelion Unit OA N E Number OA S W	Pg 4 of 5 Unit Number 01 NE N
				Indicate North

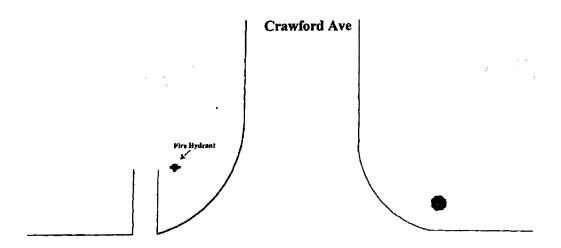
SEE PAGE 5

COLLISION EVENTS  Unit First Event Second Event O0 O0  Unit First Event Second Event Third Event O1 23 18 71  O0 Not Applicable 10 Overturn/Rollover 11 First/Explosion 12 Inmrersion 13 Jacknife 14 Cargo/Equipment Loss or Shift 15 Equipment Failure (Blown Tire, Brake Failure, etc.) 16 Separation of Units 17 Departed Road Left 19 Cross Mediant/Centerline 20 Downhill Runsway	Fourth Event 00 00 Fourth Event 00 00 00 Engire Collision Engire Collision 00 Engire 00 Engire Collision 00 Engire 0	37 Work Zone/Maintenance Equipment 38 Other Non-Fixed Object FIXED OBJECT: 40 Barrier (Cable) 41 Barrier (Cable) 42 Barrier (Other) 43 Fence Pole 44 Fence 45 Traffic Signal Support 46 Traffic Signal Support 47 Utility Pole/Light Support 48 Other Post/Pole/Support 49 Guardrali/Guardrali Face 60 Guardrali End 51 Culvert 52 Curb 53 Island 64 Sand Barriels 55 Impact Attenuator/ Crash Cushion	56 Pavement Drop-Off 57 Ditch 58 Embankment 59 Tree (Standing) 60 Dividing Strip 61 Retaining Wall 62 Bridge Abutment 63 Bridge Pier or Support 64 Bridge Rail 65 Bridge Post 68 Bridge Curb 67 Bridge Super Structure (Beams) 68 Bridge Curb 67 Bridge Super Structure 68 Bridge Curb 67 Bridge Super Structure 68 Delineator 70 Mailtox 71 Other Fixed Object 72 Other Highway Structure 73 Ground 99 Unknown
Remarks			D. IN LAN ATTEMPT TO CTOD LINET
	TOA IN FRONT OF UNIT 1. UNIT 1 HAD EMI		
DA. UNIT DA FAILED TO STOP FOR UN	NIT 1 AND CONTINUED N/8 WITH UNIT 01	FOLLOWING. UNIT OA TURN	ED LEFT ONTO W/B RICH ST. AS
UNIT 1 ENTERED TURN, IT LEFT THE R	OADWAY, WHILE OFF THE ROADWAY THE	FRONT OF UNIT 1 MADE CO	ONTACT WITH A WOODEN
UTILITY POLE RESULTING IN DAMAG	E TO BOTH AND INJURY TO THE DRIVER. U	INIT OA LEFT THE SCENE WIT	THOUT STOPPING.
This report is based on the officer's in	nvestigation of this collision. This report	nay contain the opinion of	the officer. DPS: 0192-04 REV 0107

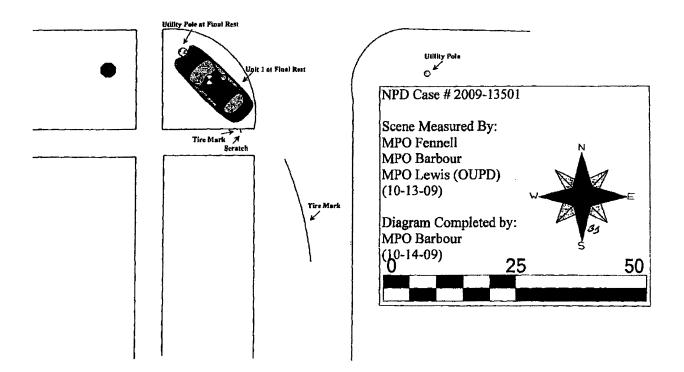
# OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT DIAGRAM SUPPLEMENTAL

Case Number 2009-13501





### Rich St



DPS: 0192-SUPP02 REV 0107

- 18. ITEM: AMENDMENT NO. ONE TO CONTRACT NO. K-0910-5: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CLEVELAND AREA RAPID TRANSIT (CART) AS PART OF THE 35TH YEAR AS PART OF THE 35TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, INCREASING THE CONTRACT AMOUNT BY \$7,000 TO PROVIDE BUS PASSES FOR LOW AND MODERATE INCOME CITIZENS THROUGH THE REMAINDER OF FYE 2010.
  - INFORMATION: City Council, in its meeting of July 14, 2009, approved Contract No. K-0910-5 with CART in the amount of \$25,000 to provide bus passes for low and moderate income citizens of Norman by the CDBG Program with an additional \$10,500 provided in the General Fund Balance for additional bus passes, if needed. Due to a downturn in the economy, the demand for bus passes has increased significantly and CART has requested an additional \$7,000 for the remainder of FYE 2010. The amendment has been examined by the Assistant City Attorney and found to be in order and proper as to form. Staff recommends approval of the amendment. Copies of an advisory memorandum, amendment, pertinent excerpts from City Council Transportation Committee minutes, and purchase requisition are included in the Agenda Book.
  - ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract No. K-0910-5 with CART increasing the contract amount by \$7,000; and, if approved, authorize the execution thereof.

ACTION TAKEN:			



DATE: April 23, 2010

TO: Honorable Mayor and Council Members

FROM: Linda R. Price, Revitalization Manager

SUBJECT: AGENDA ITEM - May 11, 2010 - Amendment No. 1 to Contract

K-0910-5

**BACKGROUND**: Contract No. K-0910-5 with CART was approved by City Council on July 14, 2009 for \$25,000 for bus passes funded by the Community Development Block Grant (CDBG) Program. Contract No. K-0910-6 with CART was also approved by City Council on July 14, 2009 and provided funding for regular route and paratransit service plus the West Norman Link new route in the amount of \$400,500 from the General Fund. Included in the General Fund budget was \$10,500 for bus passes to be utilized if needed after expenditure of the CDBG funds.

Bus passes are made available to low-income Norman residents who qualify on the basis of their income and residency. Students at the University of Oklahoma do not utilize bus passes because required enrollment fees provide them with free bus service.

<u>DISCUSSION</u>: With the downturn in the economy the demand for bus passes has increased significantly. As a result all CDBG and General Fund resources for bus passes will have been expended by the end of April 2010. CART notified City Staff of the situation and inquired if an additional \$7,000 could be made available for May and June 2010. That request was also made to the City Council Transportation Committee in their meeting of April 22, 2010. The Committee requested that as much money as possible be made available from CDBG funds and if more was needed that it be made available from the General Fund. After reviewing the amount of funding contracted for public services in the current CDBG Program, it was determined that CDBG could fund the entire \$7,000 request and not exceed the 15% statutory cap on the CDBG Program for public services. An average of 246 people per month can be served with the requested funding.

Amendment No. 1 to the CDBG contract K-0910-5 has been prepared and is forwarded for Council action. No other changes in service or funding are being made. Funds are available in account number 021-4062-463.47-79.

**RECOMMENDATION**: Staff recommends approval of Amendment No. 1 to Contract No. K-0910-5 increasing the contract amount by \$7,000.

Reviewed by: Steve Lewis, City Manager

Reviewed by: Susan Connors, Director of Planning & Community Development

Reviewed by: Anthony Francisco, Finance Director A. Francisco

Reviewed by: Jeff Bryant, City Attorney

### Amendment No. 1 Contract No. K-0910-5

	In connection with Contract No. K-0910-5, by and between the City of the following changes are hereby authorized this day of	of Norman and OU/CART2010:
	Increase the contract by \$7,000 for bus passes.	
	No other changes to contract amount or conditions are made.	
_	OU/CART	
	Longlas Wryers	
•	Douglas W. Myers, Director	this 33" day of april 2010.
	Subscribed and sworn to before me	day 01/2/2/2/2010.
	Notary Public	NC
	B & WANDFOR SEN	
	My Commission E Commission Numl	xpires: <u>June 22, 2010</u> per: <u>06006109</u>
•	- Committee of the Comm	
	The City of Norman, Oklahoma	
	Cindy S. Rosenthal, Mayor	
	Attest:	
	Attest.	
	Brenda Hall, City Clerk  Approved as to form and legal	ty this 20th day of April 2010.
	Loa. Knh	) Maa ( 1-
	Veff Bryant City	ttorney

Transportation Committee Meeting Minutes April 22, 2010 Page 3

Chairman Quinn said the City Manager has proposed a budget that eliminates funding for the West Norman Link and asked if these proposals absorb keeping that route going and Mr. Myers said yes. Mr. Myers said the West Norman Link is new, the ridership continues to increase each month, the Healthplex and Embassy Suites has worked with CART training their employees and encouraging them to use the bus service and he feels the route needs more time to prove its worth. Chairman Quinn agreed and said the cuts CART has made makes very good sense and are defensible. Mr. Ponder said eliminating the West Norman Link would place the Healthplex back into Zone Two service so instead of a \$2.00 round trip, it would be a \$5.00 round trip placing an increased burden on low income citizens accessing medical needs.

### MISCELLANEOUS DISCUSSION.

Ms. Janice Oak, Progressive Independence, said she has been selected by the Easter Seals Project Action to attend a course in travel training next week in Denver, Colorado. She said one stipulation of the course is to develop curriculum to train everyone on how to use public transportation and submit a report within three months. She said she will update the Committee at the next meeting.

Ms. Linda Price, Revitalization Manager, said CART had notified her they will run out of funds for the CDBG bus passes by the end of April. She said the cost averages around \$3,500 per month for bus passes and they would need an estimated \$7,000 for the remainder of FYE 10. She said, originally, she calculated CDBG had \$3,500, but would have to be approved by the Policy Committee as well as the City Council. She said she worried this would set open the floodgate for other agencies that are funded through CDBG. Councilmember Cubberley said the bus pass program is critical for some citizens to get around and he suggested funding half through CDBG and half from the General Fund to get through the remaining fiscal year. Councilmember Cubberley said he would speak with the City Manager regarding funds from the General Fund. Councilmember Butler asked if there is more money proposed in the FYE 2011 Budget in case of another shortfall and Councilmember Cubberley said no. Mr. Myers said CART should be in better shape next year due to various changes he will be proposing through CDBG and automatic fare boxes. He said automatic passenger counting software will also be installed in each bus this summer. Chairman Quinn asked if the passes had destination restrictions and Mr. Myers said they can go anywhere and Mr. Ponder reminded them that the Sooner Express will not be accepting CDBG passes so they will not be able to travel to OKC. Councilmember Cubberley asked how many passes are used on the Sooner Express currently and Mr. Ponder said possibly up to seven people per day, but he would have to verify that.

The meeting adjourned at 5:55 p.m.

PURCHASE REQUISITION NBR: 0000170348

DATE: 4/23/10	4684 CART DELIVER BY DATE: 4/23/10	UNIT EXTEND COST COST VENDOR PART NUMBER	, 1	REQUISITION TOTAL: 7000.00
ON ORD		LY UOM	7000.00 DOL	REQUIS
STATUS: ALL ITEMS ON ORDER REASON: CART BUS PASSES	SUGGESTED VENDOR:	QUANTITY UOM	7000.0	
REQUISITION BY: JMCCART	SHIP TO LOCATION: COMMUNITY DEVELOPMENT	LINE NBR DESCRIPTION	1 CART BUS PASSES COMMODITY: MISCELLANEOUS SERVICES, N SUBCOMMOD: TRANSPORTATION OF GOODS A	

AMOUNT 7000.00 7000.00 100.00 A C C O U N T I N F O R M A T I O N PROJECT Miscellaneous Services Transportation LINE # ACCOUNT 1 02140624634779

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

PLEASE TRANSFER \$7,000 FROM 021-4062-463.40-03 (CONSULTANTS) INTO 021-4062-463.47-79 (TRANSPORTATION). THANKS.

- 19. ITEM: CHANGE ORDER NO. TWO TO CONTRACT NO. K-0910-40: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND J.L. WALKER CONSTRUCTION, INC., INCREASING THE CONTRACT AMOUNT BY \$2,160 FOR THE MUNICIPAL COURT INTERIM FACILITY PROJECT, PHASE II, FINAL ACCEPTANCE OF THE PROJECT, AND BUDGET TRANSFER.
  - **INFORMATION:** City Council, in its meeting of July 14, 2009, approved Contract No. K-0910-40 with J.L. Walker Construction, Inc., in the amount of \$415,900 for the above-described project and Change Order No. One decreasing the contract amount by \$83,067 which reduced the number of HVAC units from three to two; removed shelving around the copier and scanning stations, the data cabling (to be completed in house), some remodeling in the existing bathroom, and the concrete pad beneath the bike rack; and modified the types of materials used. Change Order No. Two increasing the contract amount by \$2,160 finalizes all quantities from as-bid to as-built and provides a safety handrail on the roof; steel bollards for the front of the modular building, concrete to fill a void area on the south side of the building, and walk pads on the roof. Change Order No. Two has been examined by the Assistant City Attorney and found to be in order and proper as to form. Staff recommends approval of the change order. The project is completed and all work meets or exceeds specifications. Based upon the above information, it is recommended that the project be accepted. Copies of an advisory memorandum, letter from the architect, and change order are included in the Agenda Book.
  - ACTION NEEDED: Motion to approve or reject Change Order No. Two to Contract No. K-0910-40 with J.L. Walker Construction, Inc., increasing the contract amount by \$2,160; and, if approved, authorize the execution thereof, accept the project, and direct final payment in the amount of \$16,749.65 to J.L. Walker Construction, Inc., and transfer \$11,000 from Project No. BG0008, Municipal Judicial Center, Design (050-9365-419.62-01) to Project No. BG0008, Municipal Judicial Center, Construction (050-9365-419.61-01).

ACTION TAKEN:	1





DATE:

April 27, 2010

TO:

Honorable Mayor and Council Members

FROM:

Ronda Guerrero, Municipal Court Administrato

SUBJECT:

Agenda Item - Close the Project for Municipal Court

Interim Facility Phase II

(Project No. BG0019, Contract No. K-0910-40)

### **BACKGROUND**

On March 10, 2009, Council approved a contract with The McKinney Partnership Architects, P.C. in the amount of \$27,350 for design services, preparation and review of bid documents, and construction supervision. On July 14, 2009, City Council approved Contract No. K-0910-40 in the amount of \$415,900 and Change Order Number One (decreasing the contract amount by \$83,067) with J L Walker Construction for a total contract amount of \$332,833 for construction of the project. The Interim Facility Phase II project provided for a 2,400 square foot prefabricated portable building that is located adjacent to the existing Court facility.

### **DISCUSSION**

Change Order Number Two increases the contract amount by \$2,160, finalizes all quantities from as-bid to as-built, and provides for the following: a safety handrail on the roof; steel bollards for the front of modular building; concrete to fill a void area at the south side of building; and walk pads on the roof.

Additional costs related to the project, but separate from the contract with J. L. Walker, include a fire alarm system required by City Code in the amount of \$2,140, emergency cabling and repair in the amount of \$6,450, and window blinds in the amount of \$250 for a total amount of \$8,810. The Interim Court Building Project does not have sufficient funds to cover the change order and additional expenses for the project; however, funds are available for transfer in the Municipal Judicial Center Project.

### **RECOMMENDATION**

Staff recommends Change Order No. Two in the amount of \$2,160 and the following transfer of funds as indicated below, from Project No. BG0008, Municipal Judicial Center, to Project No. BG0019, Interim Court Building Solution be approved.

from: Acct. 050-9365-419.62-01 FY09 Project No. BG0008 \$11,000

(Design) (Municipal Judicial Center)

into Acct. 050-9365-419.61-01 FY09 Project No. BG0019 \$11,000

(Construction) (Interim Court Bldg Solution)

Agenda Item – Change Order No. Two to Contract No. K-0910-40 Re: Interim Facility Phase II April 27, 2010 Page 2

If approved, staff requests that funds be transferred as set forth above and recommend that City Council accept this project as complete and authorize final payment in the amount of \$16,749.65 to J. L. Walker Construction.

Reviewed By: Anthony Francisco, Finance Director A. Francisco

Clint Mercer, Chief Accountant CM by Dw

Susan Connors, Director of Planning and Community Development 57C

Linda Price, Revitalization Manager

Jeff Bryant, City Attorney Steve Lewis, City Manager



December 18, 2009

Ms. Ronda Guerrero City of Norman Municipal Court PO Box 370 201 West Gray, Building B Norman, Oklahoma 73069

Re: Change Order 02

City of Norman Interim Court

Norman, Oklahoma

### Dear Ronda:

We have reviewed the Change Order 02 Requests submitted by JL Walker Construction, Inc. We have reviewed attached RFP 1, 2, 3, 4, and 5, and the costs appear to be appropriate for the work performed.

We recommend to the City of Norman that RFP 1, 2, 3, 4, and 5 be accepted and Change Order Number 02 be issued for the amount of \$2,160.00.

Please feel free to contact us with any questions or further clarifications.

Respectfully,

Richard S. McKinney, Jr. AIA

President

The McKinney Partnership Architects

Attachment: Change Order Log

# CHANGE ORDER SUMMARY CITY OF NORMAN CLEVELAND COUNTY, OKLAHOMA

CHANGE ORDER NO. <u>002</u>	DATE: <u>12-</u>	<u> </u>			
CONTRACT NO.: <u>K0910-40</u>	SUBMITTE	D BY: TMP Architects, PC			
PROJECT: Norman Municipal Court, Inter	im Facility - Phase II				
CONTRACTOR: J.L. Walker Construction. (Name) 13900 Wireless Way	, Inc.				
Oklahoma City, OK 73134	4				
Original Completion Date 12-18-2009 (150	days after Notice to Proceed)				
Previous Completion Date <u>12-18-2009</u> OF	RIGINAL CONTRACT AMO	UNT <u>\$415,900.00</u>			
(Increase) this change order <u>0</u> Calendar day	/S				
New Completion Date No Change PRI	ESENT CONTRACT AMOU	NT \$332,833.00			
DESCRIPTION	DECREASE	INCREASE			
See change order detail.	<\$1,500.00>	\$3,660.00			
Note: This change order is based completely on the unit prices from the original contract. There are no new items.  NET CHANGE \$2,160.00					
REVISED	CONTRACT AMOUNT	\$334,993.00			
CONTRACTOR: Sela Hay		DATE: 12-10-09			
ARCH./ENGINEER:	more	DATE: 12. 20.09			
CITY ATTORNEY 2		DATE: 5/4/10			
ACCEPTED BY:		DATE:			
(Mayor)					

### CHANGE ORDER DETAIL CHANGE ORDER NO. <u>002</u> City of Norman Cleveland Co., Oklahoma

Project Name Norman Court Interim

Facility - Phase II

Project Account Number\_

Project Number: CM056309

Contract No.: K0910-40

Design Engineer TMP Architects, PC

Address/Phone: 3600 W Main Street, Ste 200

Norman, OK 73072

405.360.1400

- A. Change Orders or addenda to public construction contracts of One Million Dollars (\$1,000,000.00) or less shall not exceed a fifteen percent (15%) cumulative increase in the original contract amount.
- B. Change orders or addenda to public construction contracts of over One Million Dollars (\$1,000,000.00) shall not exceed the greater of One Hundred Fifty Thousand Dollars (\$150,000.00) or a ten percent (10%) cumulative increase in the original contract amount.
- C. Change orders or cumulative change orders which exceed the limits of subsection A or B of this section shall require a readvertising for bids on the incomplete portions of the contract.

D.

- 1. All materials with cost per item;
- 2. Itemization of all labor with number of hours per operation and cost per hour;
- 3. Itemization of all equipment with the type of equipment, number of each type, cost per hour for each type, and number of hours of actual operation for each type;
- 4. Itemization of insurance cost, bond cost, social security, taxes, workers' compensation, employee fringe benefits and overhead cost; and
- 5. Profit for the contractor.
- E. 1. If a construction contract contains unit pricing, and the change order pertains to the unit price, the change order will not be subject to subsection A or B of this section.
- 2. When the unit price change does not exceed Ten Thousand Dollars (\$10,000.00), the unit price change order computation may be based on an acceptable unit price basis in lieu of cost itemization as required in paragraphs 1,2,3,4 and 5 of subsection G of this section.
- F. Alternates or add items bid with the original bid and contained in the awarded contract as options of the awarding public agency shall not be construed as change orders under the provisions of the Public Competitive Bidding Act of 1974.

### DETAILED COST ITEMIZATION

### CHANGE ORDER NO. <u>002</u> (Continued)

### PROJECT NAME Norman Municipal Court, Interim Facility - Phase II

Item	Description	Decrease	Increase
1	RFP #2 Revised - Handrail: Add safety rail around		\$1,355.00
	RTU (Roof Top Unit)		
2	RFP #4 - Bollards: Add steel bollards at southwest		\$ 863.00
	corner of modular building		
3	RFP #5 - Concrete: Add concrete fill at south side		\$ 661.00
	of modular building		
4	RFP #6 - Roofing: Net Add for walk pads at roof		\$ 781.00
	around RTU		
5	RFP #7 - Project sign: delete furnish construction	<\$1,500.00>	
	sign		
		L	
	Sub Total	<\$1,500.00>	<u>\$3,660.00</u>
	Total		\$2,160.00

- 20. ITEM: CONTRACT NO. K-0910-174: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR FEDERAL AID PROJECT NO. TCSP-0H68(007) DC, JOB NO. 122670(04) FOR THE ROBINSON STREET GRADE SEPARATION PROJECT, RESOLUTION NO. R-0910-112, AND TERMINATION OF CONTRACT NO. K-0506-82 AND AMENDMENT NO. ONE TO CONTRACT NO. K-0506-82.
  - INFORMATION: City Council, in its meeting of October 25, 2009, approved Contract No. K-0506-82 with ODOT for the Robinson Street Grade Separation Project. Amendment No. One to Contract No. K-0506-82 prepared by ODOT was approved by City Council on December 22, 2009, which addressed the responsibilities of the City and ODOT. The construction project is funded 80% by federal funding and requires 20% local funds. The engineer's estimate for the project was \$17,359,147 with ODOT's share being \$14,019,544 and the City's share being \$3,339,603. The bids for the project opened on February 18, 2010, and came in lower than expected and after ODOT's and the contractor's rates of construction administration costs added to the lowest bid, the total costs were \$12,935.378. City staff requested ODOT evaluate the funding sources and the required City match and refund a portion of the money already paid to ODOT. In order to return the difference in the City's match, ODOT requires the City to enter into a new contract. Once both parties sign the new contract, the City will send a letter to ODOT requesting a refund of the difference. No. K-0910-174 will supersede and replace all provisions of Contract No. K-0506-82 and Amendment No. One to Contract No. K-0506-82 in order to modify financing terms and conditions based on actual awarded costs and available funding. above-described contract has been examined by the Assistant City Attorney and found to be in order and proper as to form. Staff recommends approval of the contract and adoption of the resolution and termination of Contract No. K-0506-82 and Amendment No. One to Contract No. K-0506-82. Copies of an advisory memorandum; contract; resolution; location map; and pertinent excerpts from City Council minutes are included in the Agenda Book.
  - ACTION NEEDED: Motion to approve or reject Contract No. K-0910-174 with the Oklahoma Department of Transportation; and, if approved, adopt Resolution No. R-0910-112 and authorize the execution of the contract and resolution, and terminate Contract No. K-0506-82 and Amendment No. One to Contract No. K-0506-82.

ACTION TAKEN:	



**Date**: April 15, 2010

To: Honorable Mayor and Councilmembers

From: John Clink, Capital Projects Engineer

Subject: Agenda Item – 1. Approval of Contract No. K-0910-174, a Project Agreement

with the Oklahoma Department of Transportation for the Robinson Street Grade Separation Project Oklahoma Department of Transportation Project No. TCSP-0H68

(007) DC, Job No. 22670(04)

2. Approval of Resolution No. R-0910-112 adopting the Oklahoma Department of Transportation Project Agreement for the Robinson Street Grade Separation Project.

### **BACKGROUND:**

The Robinson Street Underpass Project is a General Obligation Bond Project that was approved by the voters in March 2005. The project boundaries are approximately 500 feet west of Flood Avenue to 500 feet east of Stubbeman Avenue. The City secured federal funding for the project from four sources: (1) the Transportation and Community and System Preservation (TCSP) Program, (2) two line items in the SAFETEA-LU legislation, which was signed into law by the President of the United States in 2005, (3) Association of Central Oklahoma Governments (ACOG) and (4) Stimulus Funding.

On October 25, 2005, City Council approved Contract K-0506-82, a project agreement with the Oklahoma Department of Transportation (ODOT) in order to secure federal funds for this project. On December 22, 2009, City Council approved Amendment No. 1 to Contract K-0506-82 for the construction of this project. The City's share of the project cost is for design, right-of-way acquisition, utility relocation and approximately 20 percent of the construction. The project will remove the current at grade railroad crossing on Robinson Street by rebuilding Robinson Street underneath a new railroad bridge. This project will also provide additional turn lanes at the intersections of Flood/Robinson and Stubbeman/Robinson.

### **DISCUSSION**:

When the City signed Amendment No. 1 to Contract K-0506-82, the estimated construction cost of the project was \$17,359,147 with the City's portion of the cost estimated at \$3,339,603. The bids for this project were opened on February 18, 2010 and they came in lower than expected. The low bid provided by Manhattan Road and Bridge (Manhattan) was for \$12,207,431 which includes constructing the roadway, storm water pump station, railroad bridge and railroad work from the subgrade on down. ODOT added their standard rate of six percent of the cost of construction for construction administration to Manhattan's bid for a total cost associated with Manhattan's bid of \$12,935,378. Another portion of the construction cost is the work performed by the Burlington Northern Santa Fe Railway (BNSF). The BNSF will construct all railroad work above the subgrade, provide flagmen and inspectors for work conducted on BNSF right-of-way. The cost of this work, \$2,783,537, was included in the three-party agreen20-1 with the



Agenda Memorandum – Approval Contract No. K-0910-174 and Resolution R-0910-112 for the Robinson Street Grade Separation Project April 15, 2010
Page 2

BNSF, City of Norman and the Oklahoma Department of Transportation for the Robinson Street Underpass Project. Council approved the three-party agreement on February 9, 2010. The total estimated construction cost of the project is \$15,718,915. See the Robinson Street Construction Cost Summary Table below.

### Robinson Street Construction Cost Table

Cost Source	Construction Cost	Construction Admin Cost	Total Construction Cost
Manhattan	\$12,207.431.51	\$727,946.49	\$12,935,378.00
BNSF Force Account	\$ 2,783,537.00	\$ -	\$ 2,783,537.00
Total	\$14,990,968.51	\$727,946.49	\$15,718,915.00

City staff requested ODOT to evaluate the funding sources and the required City match and refund a portion of the money the City sent to ODOT for the construction of this project. ODOT reviewed the available federal funding and the City's match requirements in relation to the winning bid. See the Project Funding Table below.

### Project Funding Table

Available Federal Funds for Construction	Federal Funds	Required City Match	Total
2005 TCSP (100%)	\$ 303,260	\$ -	\$ 303,260
2006 TCSP (80%)	\$ 187,027	\$ 46,757	\$ 233,784
2008 TCSP (80%)	\$ 315,903	\$ 78,975	\$ 394,878
HPP (80%)	\$ 8,999,001	\$ 1,549,480 <sup>(1)</sup>	\$10,548,481
Stimulus (100%)	\$ 1,888,512	\$ -	\$ 1,888,512
ACOG (80%)	\$ 1,880,000	\$ 470,000	\$ 2,350,000
Total Funds	\$13,573,703	\$ 2,145,212	\$15,718,915

<sup>(1)</sup> ODOT applied \$700,270 of "In Kind" services towards the City's required match (#%) is the percentage of the federal share

The difference between estimated City match of \$3,339,603 sent to ODOT in December and the revised City match of \$2,145,212 based on the actual bid is \$1,194,391.

In order to return the difference in the City's match, ODOT requires the City to enter into a new contract. Once both parties sign the new contract, the City will need to send a letter to ODOT's Comptroller requesting they return the difference to the City. This new contract will supersede and replace all provisions of the previous Contract K-0506-82 and the related Amendment No. 1 in order to modify financing terms and conditions based on actual awarded costs and available funding. This contract caps the federal funds at \$13,573,703. If change orders are required for the Robinson Street and Flood intersection portion of this project (See figure 1) a supplemental agreement will be necessary to address the cost of these change orders.

Agenda Memorandum - Approval Contract No. K-0910-174 and Resolution R-0910-112 for the Robinson Street Grade Separation Project April 15, 2010 Page 3

> The \$15,718,915 amount relates to the cost of construction and construction administration only. A summary of the total project costs to date, compared to the original estimates, are as follows:

	Budget	Actual
Design	\$2,180,866	\$2,035,317
Right-of-Way	\$4,983,968	\$4,683,001
Utilities	\$854,000	\$608,529
Construction	\$17,924,000	\$15,718,915
Total	\$25,942,834	\$23,045,762

The City's share of the Robinson Street Underpass Project to date is \$9,472,059 (41.1%) while \$13,573,703 (58.9%) will be paid from federal funds. Of the City's share, \$7,403,133 has been paid from bond funds.

Staff is expecting to hold a prework meeting with the contractor in May 2010 with construction to begin in June. The project will require 410 calendar days for completion or around July, 2011.

### RECOMMENDATION NO. 1:

Staff recommends approval of Contract No. K-0910-174, a Project Agreement with the Oklahoma Department of Transportation for the Robinson Street Grade Separation Project Oklahoma Department of Transportation Project No. TCSP-0H68 (007) DC, Job No. 22670(04).

### **RECOMMENDATION NO. 2:**

Staff recommends approval of Resolution No. R-0910-112 adopting the Oklahoma Department of Transportation Project Agreement for the Robinson Street Grade Separation Project.

Attachments

Reviewed by: Shawn O'Leary, Public Works Director of by KID

Clint Mercer, Chief Accountant Nu-

Anthony Francisco, Director of Finance A France

Susan Connors, Director of Planning and Community Development 57 C

Linda Price, Revitalization Manager UPP

Jeff Bryant, City Attorney

Steve Lewis, City Manager

### PROJECT AGREEMENT

This Agreement made the day and year last written below, by and between the Oklahoma Department of Transportation, hereinafter referred to as the DEPARTMENT, and the City of Norman, hereinafter referred to as the CITY, which may be referred to collectively as the PARTIES for the following intents and purposes and subject to the following terms and conditions, to wit:

### WITNESSETH:

It is hereby understood that this agreement shall supercede and replace all provisions of a previous agreement designated as K-0506-82 and related supplemental agreement in order to modify financing terms and conditions based on actual awarded costs and available funding.

Whereas, the DEPARTMENT is by terms of agreements with the Federal Highway Administration and in partnership with the Association of Central Oklahoma Governments (ACOG), responsible for the management and construction of <u>Federal-aid</u> projects within the corporate limits of cities within the State of Oklahoma; and,

Whereas, the CITY has been identified as the beneficiary and sub-recipient of such a federally funded project; and,

Whereas, receipt of the benefits of this project will require that the CITY assume certain financial responsibilities; and,

Whereas, the CITY is a municipal corporation and a charter city created and existing under the constitution and laws of Oklahoma; and,

Whereas, the laws and constitution of the State of Oklahoma impose fiscal restrictions on the City and its ability to insure financial obligations; and,

Whereas, the PARTIES hereto recognized those financial limitations and agree that the financial obligations assumed by the City by the terms of this Agreement are enforceable only to the extent as may be allowed by law or as may be determined by a Court of competent jurisdiction; and,

Whereas, it is understood that, by virtue of the Oklahoma Constitution Article 10 section 26, the payment of CITY funds in the future will be limited to appropriations and available revenues in the then current CITY fiscal year.

**Now therefore,** subject to the limitations herein before described, the DEPARTMENT and the CITY do agree as follows:

 The CITY requested that certain street improvements be approved by the Oklahoma Transportation Commission as were previously programmed by the CITY which consist of actual improvements as follows:

JP No.	Project No.	Work Type	Description
22670(04)	TCSP -0H68 (007) TC	GRADE,DRAINING,BRIDGE & SURFACE	RAIL: GRADE SEPARATION PROJECT ON ROBINSON STREET AT THE BURLINGTONNORTHERN SANTE FE RAILROAD CROSSING, IN NORMAN; "AUTH"
22670(05)	STP -STIM (504) HP	GRADE,DRAINING,BRIDGE & SURFACE	ROBINSON STREET AT THE BURLINGTON NORTHERN SANTE FE RAILROAD CROSSING, IN NORMAN
22670(07)	STPY -114C (259) HP	RAILROAD SIGNALS	BNSF RAILWAY FORCE ACCOUNT (TEMP SIGNALS & SHOOFLY ALIGNMENTS) FOR ROBINSON ST. UNDERPASS WITHIN 22670(05)

The CITY has prepared or caused to be prepared plans for construction of this federal-aid project and agrees that all construction shall be in conformance with the furnished plans which are incorporated with and made a part of this Agreement.

- 2) The CITY agrees that the furnished plans are, as a minimum, in conformance with the Oklahoma Department of Transportation 1999 Standard Specification for Highway Construction.
- 3) The CITY agrees that the PARTIES have entered into a separate "Right-of-Way, Public Utility and Encroachment Agreement", which provides inter alia that the CITY is responsible for furnishing all right-of-way for this federal-aid project, free and clear of all obstructions and encroachments; that the CITY shall at its sole expense maintain the project after construction; and that nothing contained herein shall be construed as modifying, altering, rescind, or abridging any portion of that agreement.
- 4) The CITY agrees to the location of the subject project and acknowledge receipt of and adopts the plans for said project as the official plans of the CITY for the streets, boulevards, arterial highways and/or other improvements contained therein; and further the CITY affirmatively states that it has fully and completely examined these plans and does hereby warrant to the DEPARTMENT the CITY's complete satisfaction with these plans, and the fitness of the plans to construct the aforesaid project.
- 5) The CITY certifies that the project design plans comply, and the project when completed will comply, with the requirements of the Americans with Disabilities Act (ADA) of 190 (42 USC §§ 12101 12213), 49 CFR parts 27, 37 and 38 and 28 CFR parts 35 and 36. The CITY shall be exclusively responsible for integrated ADA compliance planning for all city streets, sidewalks and other facilities provided for public administration, use and accommodation which is required of recipients and sub-recipients by 49 CFR § 27.11. State highways continued through corporate limits of the city shall be included in the CITY's comprehensive compliance plans.
- 6) The PARTIES hereto agree to comply with all applicable laws and regulations meeting Environmental Protection Agency (EPA) requirements for pollution prevention including discharges from storm water runoff on this project. The DEPARTMENT shall require the

contractor who may be awarded the project to meet all Oklahoma Department of Environmental Quality (ODEQ) requirements for storm water runoff on this project. It is agreed that the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water management plan (SWMP) sheet, and appropriate USGS topographic map contained in the plans constitute the storm water management plan for the project described previously in this document. Further, if required, the DEPARTMENT shall require the contractor to file a Notice of Intent (NOI) for Storm Water Discharges Associated with CONSTRUCTION ACTIVITY UNDER THE OPDES General Permit with the Oklahoma Department of Environmental Quality which authorizes the storm water discharges associated with construction activity from the construction site and to develop if required a Storm Water Pollution Prevention Plan (SWPPP).

- 7) The CITY agrees to prohibit parking on that portion of the project within the corporate limits of the CITY, except as may be indicated in the plans or hereafter approved by agreement with the DEPARTMENT. The CITY further agrees not to install or permit to be installed any signs, signals, or markings not in conformance with the standards approved by the Federal Highway Administration and Manual on Uniform Traffic Control Devices (MUTCD).
- 8) The CITY further agrees and warrants to the DEPARTMENT that subsequent to the construction of said project, the CITY will:
  - a) Erect, maintain and operate traffic control devices, including signals, signs and pavement markings only in accordance with 47 0.S. 1991 Section 15-104, 15-105 and 15-106, and subject to the Agreement of the DEPARTMENT:
    - (1) In the event that any traffic signal installed hereunder is no longer needed for the purposes designated herein, then the traffic signal installed hereunder shall not be removed by the CITY to any point other than that which is approved by the DEPARTMENT prior to such removal.
    - (2) In the event there is no mutually agreed location for the reinstallation, the CITY will assume complete ownership of the equipment following removal, if the installation is ten (10) years old or older. If the installation is less than ten (10) years old, and:
    - ii) In the event the CITY desires total ownership of the equipment, the CITY shall reimburse the DEPARTMENT for the original Federal funding percentage share for the original equipment cost only, amortized for a ten (10) year service life, interest ignored, and assuming straight line depreciation.
    - iii) In the event the CITY does not desire total ownership of the equipment, the CITY shall sell the equipment at public auction to the highest bidder. The CITY shall reimburse the DEPARTMENT the original Federal funding percentage share of the proceeds of such sale.
  - b) Subject to agreement with the DEPARTMENT, regulate and control traffic on said project, including but not limited to, the speed of vehicles, parking, stopping and turns and to make no changes in the provisions thereof without the approval of the

- DEPARTMENT. It shall be the responsibility of the CITY to notify the DEPARTMENT of any changes necessary to insure safety to the traveling public.
- c) Maintain all drainage systems and facilities constructed, installed, modified or repaired in conjunction with this project or as may be otherwise necessary to insure proper drainage for road surfaces constructed under the terms of this Agreement.
- d) Maintain all curbs and driveways abutting road surfaces constructed under the terms of this Agreement and all sidewalks adjacent thereto.
- e) Maintain all right-of-way areas adjacent to road surfaces, including erosion control and periodic mowing of vegetation in a manner consistent with applicable codes, ordinances and regulations.
- f) Make ample provision annually for proper maintenance of items heretofore delineated as the responsibility of the CITY, including the provision of competent personnel and adequate equipment, and specifically, to provide all required special maintenance of the project during the critical period immediately following construction.
- g) Keep all permanent right-of-way shown on said plans free from any encroachment and take immediate action to effect the removal of any encroachments upon notification by the DEPARTMENT.
- 9) The CITY further agrees and warrants to the DEPARTMENT concerning sign and highway facility lighting:
  - a) The CITY will upon notice from the DEPARTMENT Engineer provide at its own expense all required electrical energy necessary for all preliminary and operational tests of the highway lighting facilities.
  - b) Upon completion of the construction of said project, and by the DEPARTMENT, the CITY will be responsible for the maintenance and cost of operation of these highway lighting facilities, including all appurtenances thereto and including the sign lighting facilities.
  - c) It is specifically understood and agreed that the highway lighting and sign lighting facilities specified herein shall be continuously operated during the hours of darkness between sunset and sunrise and shall not be altered, removed or be allowed to cease operation without the mutual written consent of the DEPARTMENT and the CITY.
  - d) The CITY agrees to provide, on a periodic schedule, an inspection, cleaning and a relamping maintenance program to assure the maximum efficiency of the highway lighting facilities.
  - e) In the event that highway lighting facilities installed hereunder are no longer needed for the purposes designated herein, then the highway lighting facilities installed hereunder shall not be removed by the CITY to any point other than which is approved by the DEPARTMENT prior to such removal.
  - f) In the event there is no mutually agreed location for reinstallation, the CITY will assume complete ownership of the equipment following removal, if the installation is twenty (20) years old or older. If the installation is less than twenty (20) years old, and:
    - (1) In the event the CITY desires total ownership of the equipment, the CITY shall reimburse the DEPARTMENT the original Federal funding percentage share of

- the original equipment costs only, amortized for a twenty (20) year service life, interest ignored, and assuming straight line depreciation.
- (2) In the event the CITY does not desire total ownership of the equipment, the CITY shall sell the equipment at public auction to the highest bidder. The CITY shall reimburse the DEPARTMENT the original Federal funding percentage share of the proceeds of such sale.
- 10) The CITY agrees, affirms and warrants to the DEPARTMENT that the CITY will be responsible, during the period of construction, for any repairs or maintenance to the approved detour route or any other street which may be required as a result of additional traffic.
- 11) The CITY agrees to comply with Title VI of the Civil Rights Act of 1964, 78 O.S. § 252.42, U.S.C. §2000d-et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, of Secretary of Transportation, Part 21 "Nondiscrimination in federally assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act 1964."
- 12) The CITY agrees that it will, by resolution, duly authorize the execution of this Agreement by the proper officials, and attach copies of such resolution to this Agreement.
- 13) The DEPARTMENT and the CITY mutually recognize that each party is a governmental entity subject to the provisions of the Governmental Tort Claims Act (51 O.S. 1991 § 151 et seq.). The DEPARTMENT and the CITY hereby mutually agree that each is and may be held severally liable for any and all claims, demands, and suits in law or equity, of any nature whatsoever, paying for damages or otherwise, arising from any negligent act or omission of any of their respective employees, agents or contractors which may occur during the prosecution or performance of this Agreement to the extent provided in the Governmental Tort Claims Act. Each party agrees to severally bear all costs of investigation and defense of claims arising under to Governmental Tort Claims Act and any judgments which may be rendered in such cause to the limits provided by law. Nothing in this section shall be interpreted or construed to waive any legal defense which may be available to a party or any exemption, limitation or exception which may be provided by the Governmental Tort Claims Act.
- 14) The CITY agrees that city funds shall be used to provide 100% of any construction costs determined to be ineligible for federal participation (estimated at \$0) and to match the federal dollars as shown in appendix A (estimated at \$2,145,212). The city further agrees to fund 100% percent of the participating project costs exceeding the funding limits provided by federal funds. The CITY's total obligation is presently estimated at \$2,145,212. Any amount due has been deposited with the DEPARTMENT prior to advertisement for bids. City funding is summarized below and detailed in Appendix A.
- 15) The DEPARTMENT, agrees that federal funds shall be used to provide an amount not to exceed \$13,573,703 for eligible project construction and administration costs only. Federal funding is summarized below and detailed in Appendix A.

SUMMARY Federal Other Funds **Fund Code Desc** LOCAL /CITY MATCHING FUNDS \$2,145,212 STP>200,000, 80% FEDERAL \$1,880,000 TCSP \$303,260 **TCSP 2006** \$502,930 100% ARRA OVER 200K \$1.888.512 FY 2006 SECTION 1702 HPP \$6,121,968 SECTION 1702 HPP, SAFETEA-LU, 1 THRU 3676 \$1,439,840 SECTION 1702 HPP, SAFETEA-LU, 3677 THRU 5173 \$1,437,193

16) Summary of funding of construction and estimated administration costs for all projects:

- 17) It is understood by the CITY and the DEPARTMENT that the funding participation stipulated herein may be altered due to bid prices, construction supervision costs, and non-participating costs incurred during construction. Upon final acceptance of this project, the amount of Federal funds and the amount previously deposited by the CITY will be deducted from the total cost and a refund will be made by the DEPARTMENT to the CITY or additional funding will be requested from the CITY.
- 18) It is understood by the CITY that no State funds are to be utilized in any phase or aspect of this project. Only CITY and Federal funds are to be utilized.
- 19) Upon approval of this Agreement and the plans, specifications, and estimates by the DEPARTMENT and Federal Highway Administration, if applicable, the DEPARTMENT shall agree to advertise and let the contract for this project in the usual and customary legal manner. It is agreed that the project herein described is proposed to be financed as previously set forth, and that this Agreement, all plans, specifications, estimates of costs, acceptance of work, payments and procedures in general hereunder are subject in all things at all times to all Federal laws, regulations, orders and approvals as may be applicable hereto.
- 20) The DEPARTMENT agrees to construct said project in strict accordance with the plans furnished and approved by the CITY, provided that upon consultation with and agreement by the CITY, the DEPARTMENT shall have the right to make such changes in the plans and specifications as are necessary for the proper construction of the project. The DEPARTMENT shall provide competent supervision at all times that the work is in progress. The CITY shall have inspectors on the project site as the CITY determines necessary to insure construction of the project to the satisfaction of the CITY and shall have representatives available for consultation with the DEPARTMENT representatives to cooperate fully to the end of obtaining work strictly in accordance with the CITY's approved plans and specifications.
- 21) The CITY agrees that the CITY will participate in the review, evaluation, and resolution of contractor claims where the contractor may allege delay, differing site conditions or any other basis for recovery of contract damages due to the failure of the CITY to accomplish timely utility relocation, site conditions which are not as represented on the plans or plan errors impacting on project constructability ("contractor claims").
  - a) If early resolution of a contractor claim is not possible the CITY will participate and facilitate the defense of any formal contractor claim submitted before the American

Arbitration Association or any other such alternative dispute resolution body. If mediation is unsuccessful the CITY will join with the Department in the defense of the action and as a party defendant will defend with the Department any action brought by the contractor in the District Court alleging breach of contract for delay, change of site conditions or any other basis for recovery of contract damages.

- b) In any instance where a contractor claim is settled for an agreed amount after the negotiation of the parties or mediation the CITY will pay participant share of the settlement amount and established by the participation agreement likewise, the CITY will pay it's proportionate share of awards by judgment of the District Court to include costs and attorney fees for the prevailing party, if awarded.
- 22) Failure by the CITY to fulfill its responsibilities under this Agreement will disqualify the CITY from future participation in any Federal-aid project. Federal funds are to be withheld until such time as the deficiencies in regulations have been corrected or the improvements to be constructed under this Agreement are brought to a satisfactory condition of maintenance.
- 23) It is further specifically agreed and understood between the CITY and the DEPARTMENT that the project will be built in accordance with the plans and specifications, and upon final acceptance by the CITY and the DEPARTMENT of this project, the CITY does hereby accept full, complete and total responsibility for the maintenance of this project as provided in this Agreement.. The CITY does not waive any rights against any contractor(s) with respect to defects, hidden or otherwise, in materials or workmanship. The CITY does not, pursuant to this provision or any other provision in this Agreement, waive its sovereign immunity or any exemption from, exception to, or limitation of liability as provided in the Governmental Tort Claims Act.
- 24) The Secretary of the DEPARTMENT may terminate the contract in whole, or from time to time in part, whenever:
  - a) The requisite federal funding becomes unavailable through failure of appropriation or otherwise.
  - b) The contractor is prevented from proceeding with the work as a direct result of an Executive Order of the President with respect to the prosecution of war or in the interest of national defense, or an Executive Order of the President or Governor of the State with respect to the preservation of energy resources.
  - c) The contractor is prevented from proceeding with the work by reason of a preliminary, special, or permanent restraining order of a court of competent jurisdiction where the issuance of such order is primarily caused by the acts or omissions of persons or agencies other than the contractor.
  - d) The Secretary determines that such termination is in the best interest of the State.

IN WITNESS WHEREOF, the Director of the Department of Transportation, pursuant to authority vested in him by the State Transportation Commission, has hereunto subscribed his name as Director of the Department of Transportation and the CITY has executed same pursuant to authority prescribed by law for the Department. The CITY on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_, and the DEPARTMENT on the \_\_\_\_\_ day of \_\_\_\_\_\_, \_\_\_\_. APPROVED AS TO FORM City of Norman AND LEGALITY Mayor ATTEST: City Clerk (Seal) STATE OF OKLAHOMA DEPARTMENT OF TRANSPORTATION Recommended for Approval Director of Capital Programs Local Government Division Manager APPROVED AS TO FORM APPROVED: AND LEGALITY General Counsel **Deputy Director** 

	Ā	APPENDIX A -	NORMAN - RO	BINSON STREET	A - NORMAN - ROBINSON STREET AT BNSF RR -AWARDED BID COSTS & RAILROAD FORCE ACCOUNT	S & RAILROA	D FORCE ACC	COUNT		
COMMENT	JP No.	Let Date	Hwy.	Project No.	Description					
ALL FUNDS CAPPED EXCEPT LOCAL CITY FUNDS	22670(04)	Feb-10	CTST	TCSP -0H68 (007) TC	RAIL: GRADE SEPARATION PROJECT ON ROBINSON STREET AT THE BURLINGTONNORTHERN SANTE FE RAILROAD CROSSING, IN NORMAN; "AUTH"					
ites]? o.tts toomit	PIB 12	6%.Est. Admin	Total	FUND CODE	FUND	FED SHARE	TOTAL	FEDERAL	Cash Match	RW In Kind Match
Roadway	\$1,322,500.00	\$79,350.00	\$1,401,850.00	H68	TCSP	100%	\$303,260	\$303,260	93	os
				R9T	TCSP	80%	\$628,663	\$502,930	\$125.733	S
<u>Tota/</u>	\$1,322,500.00	\$79,350.00	\$1.407,850.00	L23	STP-UZA	80%	\$469,928	\$375,942	\$93.986	95
						TOTAL	\$1,401,850	\$1,182,132	ľ	0\$
Transco	- 1									
ALL FUNDS CAPPED EXCEPT LOCAL CITY FUNDS					PORINCON STREET AT THE					
	22670(05)	Feb-10	CTST	STP -STIM (504) HP	NOBINGTON NORTHERN SANTE FE RAILROAD CROSSING, IN NORMAN					
	A THE STATE OF THE	-		:						
	Bid	Sh Esh John	1001	FUND CODE	FUND	FEDERAL	TOTAL	FEDERAL	Cash Match	RW In Kind Match *
Roadway	\$4,887,547.95	\$293,252.88	\$5,180,800.83	STIM(C23)	ARRA	100%	\$1,888,512	\$1,888,512	9\$	S
Bridge A	\$4,565,009.00	\$273,900.54	\$4,838,909.54	HY2(OK107)	НРР	80%	\$1,796,491	\$1,437,193	\$359,298	\$0
Staking	\$75,000.00	\$0.00	\$75,000.00	LY2(OK107)	НРР	%08	\$6,952,190	\$6,121,968		\$700,270
Traffic	\$809,874.57	\$48,592.47	\$858,467.04	L23	STP-UZA	80%	\$896,335	\$717,068	\$179,267	\$0
Construction	\$547,500.00	\$32,850.00	\$580,350.00			TOTAL	\$11,533,528	\$10,164,741	\$1,368,787	\$700,270
Tota/	\$10,884,931.52	\$648,595.89	\$10633.527.41						In kind KW credit to mee balance of required 20% federal match	quired 20%
					FORCE ACCOUNT SUMMARY					
COMMENT	JP No.	Let Date	Hwy.	Project No.	Description					
ALL FUNDS CAPPED EXCEPT LOCAL CITY FUNDS	22670(07)		CTST	STPY -114C (259) HP	BNSF RAILWAY FORCE ACCOUNT(TEMP SIGNALS & SHOOFLY ALIGNMENTS) FORROBINSON ST. UNDERPASS WITHIN 22670(05)					
	:					FEDERAL				RW IN KIND
				FUND CODE	FUND	SHARE	TOTAL	FEDERAL	Cash Match	MATCH
				1 24/0/0841	0007	2008	\$342,105	64 466 080	\$08,430	2 5
				L23	STP-UZA	%08 %08	\$983.738	\$786,990	\$196.748	3
						TOTAL	\$2,783,538	\$2,226,830	\$556,708	0,5
						SUMMARY	\$15,718,916	\$13,573,703	\$2,145,213	
					-					

9

### **RESOLUTION NO.** <u>**R-09</u>10-112**</u>

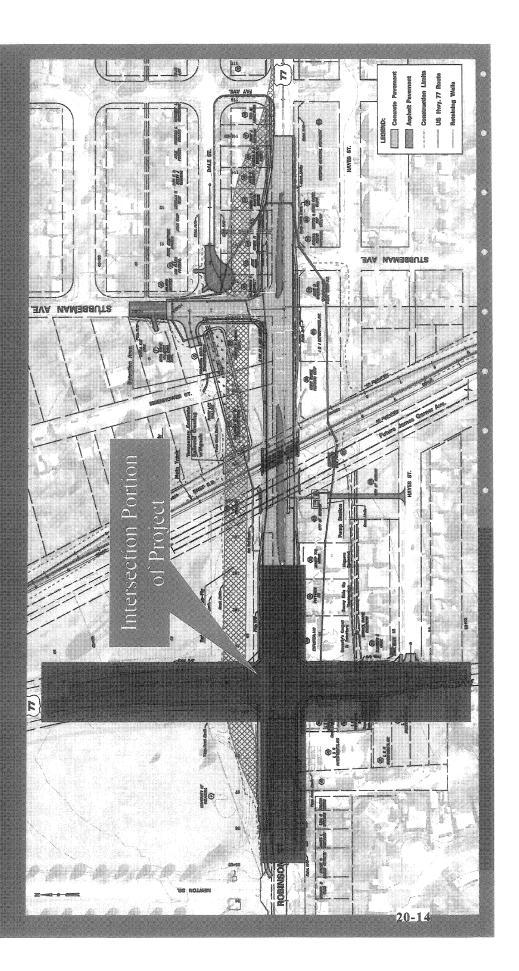
## BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF NORMAN OKLAHOMA:

THAT, WHEREAS it is in the best interest of the City of Norman, Oklahoma, to execute that certain Project Agreement for Federal-aid Project Numbers described below, by and between the City of Norman and the Oklahoma Department of Transportation;

JP No.	Project No.	Work Type	Description
22670(04)	TCSP -0H68 (007) TC	GRADE,DRAINING,BRIDGE & SURFACE	RAIL: GRADE SEPARATION PROJECT ON ROBINSON STREET AT THE BURLINGTONNORTHERN SANTE FE RAILROAD CROSSING, IN NORMAN; "AUTH"
22670(05)	STP -STIM (504) HP	GRADE, DRAINING, BRIDGE & SURFACE	ROBINSON STREET AT THE BURLINGTON NORTHERN SANTE FE RAILROAD CROSSING, IN NORMAN
22670(07)	STPY -114C (259) HP	RAILROAD SIGNALS	BNSF RAILWAY FORCE ACCOUNT (TEMP SIGNALS & SHOOFLY ALIGNMENTS) FOR ROBINSON ST. UNDERPASS WITHIN 22670(05)
		•	ne Mayor is authorized and directed to
execute th	e above described a	greement on behalf of the C	City of Norman, and duly signed by the
Mayor on	this day of _		·
City of No	orman		
Ma	iyor		
ATTEST:	iyoi		
AllESI.			
City Clerk			
Approved	as to form and lega	lity this $\frac{3rd}{}$ day of ${}$	1 ay , <u>2010</u>
R PS	Y ney		



# Robinson Street Underpass



Item 25, being:

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-0405-104 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CHAMBERS GOLF CONSTRUCTION, L.L.C., FOR ANDREWS PARK SPRAYGROUND PROJECT.

Councilmember Stawicki moved that the project be accepted and final payment in the amount of \$7,829.75 to Chambers Golf Construction, L.L.C., be directed, which motion was duly seconded by Councilmember Hopper;

#### Items submitted for the record

- 1. Memorandum dated August 9, 2005, from Jud Foster, Director of Parks and Recreation, to Honorable Mayor and City Councilmembers
- 2. Purchase Order No. 115199 dated December 30, 2004, in the amount of \$156,595.00 subtracting partial payments in the amounts of \$25,000.00, \$100,000.00, and \$23,765.25 leaving a balance of \$7,829.75

#### Participants in discussion

1. Mr. Jud Foster, Director of Parks and Recreation

and the question being upon accepting the project and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Butler, Cubberley, Haws, Hopper, Rosenthal, Stanley, Stawicki, Thompson, Mayor Haralson

NAYES:

None

The Mayor declared the motion carried and the project accepted; and final payment in the amount of \$7.829.75 to Chambers Golf Construction, L.L.C., was directed.

\* \* \* \*

Item 26, being:

CONTRACT NO. K-0506-62: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA STATE DEPARTMENT OF TRANSPORTATION FOR FEDERAL-AID PROJECT NO. STP-114B(070)AG, STATE JOB NO. 19678(04) FOR THE CONSTRUCTION OF TRAFFIC SIGNAL MODIFICATIONS AT THE INTERSECTION OF JENKINS AVENUE AND IMHOFF ROAD, ADOPTION OF RESOLUTION NO. R-0506-37, AND BUDGET REAPPROPRIATION.

Councilmember Stawicki moved that Contract No. K-0506-62 with the Oklahoma State Department of Transportation be approved; Resolution No. R-0506-37 be adopted; the execution of the contract and resolution be authorized; payment to the Oklahoma State Department of Transportation in the amount of \$50,000.00 for the City's share be directed; and \$10,000.00 be reappropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. TR0013, Jenkins and Imhoff Signal, Construction (050-9310-431.61-01), which motion was duly seconded by Councilmember Hopper;

# Items submitted for the record

- 1. Memorandum dated August 8, 2005, from Angelo A. Lombardo, City Traffic Engineer, to Honorable Mayor and Councilmembers
- 2. Contract No. K-0506-62
- 3. Resolution No. R-0506-37
- 4. Invoice No. 14365(04) dated April 5, 2005, from the Oklahoma Department of Transportation in the amount of \$50,000.00
- 5. Purchase Requisition No. 0000106312 dated August 8, 2005, in the amount of \$50,000.00 to the Oklahoma State Department of Transportation

and the question being upon approving Contract No. K-0506-62 with the Oklahoma State Department of Transportation and upon the subsequent adoption, authorization, directive, and reappropriation, a vote was taken with the following result:

YEAS:

Councilmembers Butler, Cubberley, Haws, Hopper, Rosenthal, Stanley, Stawicki, Thompson, Mayor Haralson Item 26, continued:

The Mayor declared the motion carried and Contract No. K-0506-62 with the Oklahoma State Department of Transportation approved; Resolution No. R-0506-37 was adopted; the execution of the contract and resolution were authorized; payment to the Oklahoma State Department of Transportation in the amount of \$50,000.00 for the City's share was directed; and \$10,000.00 was reappropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. TR0013, Jenkins and Imhoff Signal, Construction (050-9310-431.61-01).

\*\*\*\*

Item 27, being:

RESOLUTION NO. R-0506-42: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$14,145.00 FROM THE GENERAL FUND BALANCE TO BE USED BY THE POLICE DEPARTMENT TO REPAIR TWO DAMAGED POLICE VEHICLES AND PAY FOR OUTSTANDING INVOICES FOR UNIFORMS PURCHASED IN 2002 AND 2003.

Councilmember Stawicki moved that Resolution No. R-0506-42 be adopted, which motion was duly seconded by Councilmember Hopper;

Items submitted for the record

- Memorandum dated August 1, 2005, from Phil Cotten, Chief of Police, to Honorable Mayor and City Council
- 2. Resolution No. R-0506-42

and the question being upon adopting Resolution No. R-0506-42, a vote was taken with the following result:

YEAS:

Councilmembers Butler, Cubberley, Haws, Hopper, Rosenthal, Stanley, Stawicki, Thompson, Mayor Haralson

NAYES:

None

The Mayor declared the motion carried and Resolution No. R-0506-42 was adopted.

\*\*\*\*

Item 28, being:

<u>RESOLUTION NO. R-0506-43</u>: A RESOLUTION OF THE NORMAN MUNICIPAL AUTHORITY REAPPROPRIATING \$130,404.00 FROM THE SANITATION FUND BALANCE TO BE USED TO PURCHASE REFUSE CONTAINERS FOR THE SANITATION DIVISION.

Acting as the Norman Municipal Authority, Trustee Stawicki moved that Resolution No. R-0506-43 be adopted, which motion was duly seconded by Trustee Hopper;

Items submitted for the record

- 1. Memorandum dated August 2, 2005, from Scottie Williams, Utilities Superintendent, to Norman Municipal Authority
- 2. Resolution No. R-0506-43

and the question being upon adopting Resolution No. R-0506-43, a vote was taken with the following result:

YEAS:

Trustees Butler, Cubberley, Haws, Hopper, Rosenthal, Stanley, Stawicki, Thompson, Chairman Haralson

NAYES:

None

The Chairman declared the motion carried and Resolution No. R-0506-43 was adopted.

Item 13, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0506-82: A SUPPLEMENTAL AGREEMENT TO A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL-AID PROJECT NO. TCSP-0H68(007) DC, STATE JOB NO. 22670(04) OUTLINING THE RESPONSIBILITIES OF ODOT AND THE CITY OF NORMAN FOR THE ROBINSON STREET GRADE SEPARATION PROJECT.

Councilmember Kovach moved that Amendment No. One to Contract No. K-0506-82 with the Oklahoma Department of Transportation (ODOT) be approved, the execution thereof be authorized, and payment in the amount of \$3,339,603 be directed to ODOT for the City's 20% share, which motion was duly seconded by Councilmember Cubberley;

#### Items submitted for the record

- Memorandum dated December 8, 2009, from John Clink, Capital Projects Engineer, to Honorable Mayor and Councilmembers
- 2. Location map
- 3. Amendment No. One to Contract No. K-0506-82 with Attachment "A", Table 1, Estimated Project Budget, Robinson Street/Railroad Separation Project
- Purchase Requisition No. 0000165659 dated December 10, 2009, in the amount of \$3,339,603 to ODOT

and the question being upon approving Amendment No. One to Contract No. K-0506-82 with ODOT and upon the subsequent authorization and directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Amendment No. One to Contract No. K-0506-82 with ODOT approved; the execution thereof was authorized, and payment in the amount of \$3,339,603 was directed to ODOT for the City's 20% share.

\* \* \* \*

Item 14, being:

CONSIDERATION OF THE FOLLOWING CONTRACTS:

CONTRACT NO. K-0910-105: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND COX TMI WIRELESS, L.L.C., FOR THE LEASE OF A CELL TOWER SITE FOR PLACEMENT OF EQUIPMENT ON THE BROOKHAVEN WATER TOWER LOCATED AT 4151 WEST ROBINSON STREET FOR A FIVE-YEAR PERIOD.

CONTRACT NO. K-0910-106: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND COX TMI WIRELESS, L.L.C., FOR THE LEASE OF A CELL TOWER SITE FOR PLACEMENT OF EQUIPMENT ON THE CASCADE WATER TOWER LOCATED AT 3199 36TH AVENUE N.W. FOR A FIVE-YEAR PERIOD.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Contract No. K-0910-105 with Cox TMI Wireless, L.L.C., for the lease of a cell tower site for placement of equipment on the Brookhaven Water Tower be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Cubberley;

#### Items submitted for the record

- Memorandum dated December 10, 2009, from Jennifer Gray, Telecommunications Administrator, through Anthony Francisco, Finance Director, to Honorable Mayor and Councilmembers
- Contract No. K-0910-105 with Exhibit A, Legal Description of Owner's Property; Exhibit B, Site Plan; Exhibit C, sample Memorandum of Agreement with Exhibit A, Legal Description of Owner's Property; Exhibit D, Temporary Relocation Right; and signed and executed Memorandum of Agreement with Exhibit A, Legal Description of Owner's Property

- 21. ITEM: CONTRACT NO. K-0910-176: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND ENGINEERING SERVICES AND TESTING (EST), INC., IN THE AMOUNT OF \$45,000 FOR THE DESIGN, BIDDING, AND CONSTRUCTION ADMINISTRATION FOR BOYD STREET WATER TOWER RESURFACING PROJECT AND BUDGET TRANSFER.
  - INFORMATION: The above-described contract has been examined by the Assistant City Attorney and found to be in order and proper as to form. Staff recommends approval of the contract. Copies of an advisory memorandum, contract, and purchase requisition are included in the Agenda Book.
  - ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Contract No. K-0910-176 with EST, Inc., in the amount of \$45,000; and, if approved, authorize the execution thereof and transfer \$5,000 from Project No. WA0039, Water Tower Maintenance Project, Construction (031-9354-462.61-01) to Project No. WA0039, Water Tower Maintenance Project, Design (031-9354-462.62-01)

ACTION TAKEN:	



**DATE:** April 23, 2010

TO: Norman Utilities Authority

FROM: Chris Mattingly, Utilities Superintendent

**SUBJECT:** Agenda Item: Engineering Services Agreement for the Boyd Water Tower

Resurfacing Project, Contract K-0910-176

# **BACKGROUND:**

The Norman Utilities Authority (NUA) typically budgets funds for resurfacing of water towers on a 10-year frequency. The Boyd Water Tower was last painted in 1993; it is currently showing signs of corrosion and paint failures.

Engineering Services and Testing, Inc. (EST) of Norman recently performed engineering and inspection services for lead paint removal and resurfacing of the Brookhaven Water Tower. Staff's experience was positive and it is our intention to contract with EST again and forgo the request for proposal (RFP) process.

# **DISCUSSION:**

As shown in the attached contract, a lump sum amount of \$45,000 has been negotiated for design, bidding, and construction administration services for resurfacing the Boyd Water Tower. The inspection services will be negotiated at a later date.

The Fiscal Year Ending 2010 (FYE10) budget includes funds in the amount of \$40,000 in the Boyd Water Tower design account (031-9354-462.62-01) (WA0039). The design estimate was established in the budget prior to 2007. The design contract will be about10% or less of the anticipated Construction cost of \$450,000 - \$500,000. To fund this contract, staff requests an additional \$5,000 be transferred from Boyd Water Tower construction account (031-9354-462.61-01) to Boyd Water Tower design account (031-9354-462.62-01).

# **RECOMMENDATION:**

Staff recommends the NUA approve Contract K-0910-176 with EST, Inc. totaling \$45,000. Staff also recommends transfer of \$5,000 from the Boyd Water Tower (WA0039) construction account (031-9354-462.61-01) to the design account (031-9354-462.62-01).

Attachments Contract K-0910-176

Reviewed By: Jeff Bryant, City Attorne

Reviewed By: Mark Daniels, Utilities Supervisor Reviewed By: Ken Komiske, Utilities Director

Reviewed By: Frederick Duke, Purchasing Analyst ff

Reviewed By: Clint Mercer, Chief Accountant

Reviewed By: Anthony Francisco, Finance Director , Reviewed By: Linda Price, Revitalization Manager U

Reviewed By: Susan Connors, Planning Director S

Reviewed By: Steve Lewis, City Manager

# AGREEMENT FOR ENGINEERING SERVICES

This AGREEMENT, between NORMAN UTILITIES AUTHORITY (Owner) and EST, INC. (Engineer);

# WITNESSETH

WHEREAS Owner intends to resurface one existing water tower commonly referred to as the Boyd Street Water Storage Tank.

WHEREAS, Owner requires Design Services, Bidding Services, Construction Administration Services, and Project Site Representation Services in connection with the Boyd Street Water Storage Tank Resurfacing Project (the Services); and,

WHEREAS, Engineer is prepared to provide the Services; and

NOW THEREFORE, in consideration of the promises contained in this Agreement, Owner and Engineer agree as follows:

## **ARTICLE 1 - EFFECTIVE DATE**

The effective date of this Agreement shall be May , 2010.

# **ARTICLE 2 - COMPLETION DATE**

Engineer shall perform services in accordance with Attachment C.

# **ARTICLE 3 - GOVERNING LAW**

This Agreement shall be governed by the laws of the state of Oklahoma.

# ARTICLE 4 - SERVICES TO BE PERFORMED BY ENGINEER

Engineer shall perform the Services described in Attachment A, Scope of Services.

# **ARTICLE 5 - COMPENSATION**

Owner shall pay Engineer in accordance with Attachment B, Compensation.

# **ARTICLE 6 - OWNER'S RESPONSIBILITIES**

Owner shall provide the Engineer maps, plans or records pertinent to the project and available from the Owner's files. If requested by Owner, Engineer shall make copies of data provided and promptly return originals to the Owner. Owner will provide timely review of plans submitted by Engineer.

# **ARTICLE 7 - STANDARD OF CARE**

Engineer shall exercise the same degree of care skill and diligence in the performance of the Services as is ordinarily possessed and exercised by a professional engineer under similar circumstances. The Engineer shall correct the Services which fail to satisfy this standard of care. No warranty, express or implied is included in this Agreement or in any drawing, specifications report or opinion produced pursuant to this Agreement.

# ARTICLE 8 - LIABILITY AND INDEMNIFICATION

- 8.1 <u>General.</u> Having considered the potential liabilities that may exist during the performance of the Services, the benefits of the Project and the Engineer's fee for the Services and in consideration of the promises contained in this Agreement, Owner and Engineer agree to allocate and limit such liabilities in accordance with this Article.
- 8.2 <u>Indemnification</u>. Engineer and Owner each agrees to defend, indemnify and hold harmless each other it's agents and employees, from and against legal liability for all claims, losses, damages and expenses to the extent such claims, losses, damages, or expenses are caused by its negligent acts, errors or omissions. In the event such claims, losses, damages or expenses are caused by the joint or concurrent negligence of Engineer and Owner, such liability shall be borne by each party in proportion to it's own negligence.
- 8.3 <u>Employee Claims</u>. Engineer shall indemnify Owner against legal liability for damages arising out of claims by Engineer's employees. Owner shall indemnify Engineer against legal liability for damages arising out of claims by Owner's employees.
- 8.4 <u>Consequential Damages.</u> To the fullest extent permitted by law, Engineer shall not be liable to Owner for any special, indirect or consequential damages resulting in any way from the performance of the Services.
- 8.5 <u>Survival.</u> Upon completion of all Services obligations and duties provided for in this Agreement or if this Agreement is terminated for any reason the terms and conditions of this Article shall survive.
- 8.6 <u>Unanticipated Hazardous Materials</u>. In the event hazardous material or waste is encountered by Engineer during the course of performing its services, and conditioned upon the fact that Owner did not previously advise Engineer of the existence thereof, then and in that event:
  - a. Owner and Engineer agree that the scope of services, schedule, and any cost estimates shall be adjusted and compensation to Engineer shall increase as is reasonably necessary. If the discovery of hazardous substances requires Engineer to take immediate measures to protect health and safety, Engineer agrees to notify Owner within a reasonable time following such discovery. In addition to any required adjustments in the scope of services and cost estimate, Owner agrees to reimburse Engineer for the reasonable costs of implementing measures to protect health and safety.
  - b. Owner shall indemnify, defend and hold Engineer, its officers, directors, agents, servants and employees, harmless from any claim, demand or action brought by any third party which is based upon injury or damage caused by said hazardous material or waste.

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# **ARTICLE 9 - INSURANCE**

During the performance of the services under this agreement engineer shall maintain the following insurance:

- 9.1 Comprehensive General Liability insurance coverage with a minimum of \$100,000 per accident for bodily injury or death and \$25,000 per occurrence for property damage.
- 9.2 Comprehensive Automobile Liability insurance coverage with a minimum of \$100,000 per accident for bodily injury or death and \$25,000 for property damage.
- 9.3 Workers Compensation insurance in accordance with statutory requirements and Employers' Liability Insurance with limits of not less than \$500,000 for each occurrence.
- 9.4 Professional Liability (errors and omissions) insurance providing a minimum policy value of \$1,000,000.

Engineer shall furnish Owner certificates of insurance which shall include a provision that such insurance shall not be canceled without at least thirty days written notice to Owner. All Project contractors shall be required to include Owner and Engineer as additional insured on their General Liability Insurance policies.

Engineer and Owner each shall require its insurance carriers to waive all rights of subrogation against the other and its directors, officers, partners, commissioners, officials, agents and employees for damages covered by property insurance during and after the Surveying Services. A similar provision shall be incorporated into all contractual arrangements entered into by Owner and shall protect Owner and Engineer to the same extent.

# ARTICLE 10 - LIMITATIONS OF RESPONSIBILITY

Engineer shall not be responsible for: (1) construction means, methods, techniques, sequences, procedures or safety precautions and programs in connection with the Project; (2) the failure of any contractor, subcontractor, vendor or other Project participant, not under contract to Engineer, to fulfill contractual responsibilities to the Owner or to comply with federal, state or local laws, regulations, and codes; or (3) procuring permits, certificates and licenses required for any construction unless such responsibilities are specifically assigned to Engineer in Attachment A, Scope of Services.

# ARTICLE 11 - OPINIONS OF COST AND SCHEDULE

Since Engineer has no control over the cost of labor, materials or equipment furnished by others or over the resources provided by others to meet Project schedules, Engineer's opinion of probable costs and of Project schedules shall be made on the basis of experience and qualifications as a professional engineer. Engineer does not guarantee that proposals, bids, or actual Project costs will not vary from Engineer's costs estimates.

# **ARTICLE 12 - REUSE OF DOCUMENTS**

Upon Owner's request Engineer shall furnish Owner with specified drawings and/or data on "compact disk." All documents, including but not limited to, drawings, specifications and computer software prepared by Engineer pursuant to this Agreement are instruments of Service in respect to the Project. They are not intended or represented to be suitable for reuse by Owner or others on extensions of the Project or on any other project unless specifically assigned to Engineer in Attachment A, Scope of Services.

## **ARTICLE 13 - TERMINATION**

This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement. The non-performing party shall leave fifteen calendar days from the date of the termination notice to cure or to submit a plan for cure acceptable to the other party.

Owner may terminate or suspend performance of this Agreement for Owner's convenience upon written notice to Engineer. Engineer shall terminate or suspend performance of the Services on a schedule acceptable to Owner. If termination or suspension is for Owner's convenience, Owner shall pay Engineer for all the Services performed to date, amount not to exceed the normal fee amount due for the services rendered and termination or suspension expenses. Upon restart, an equitable adjustment shall be made to Engineer's compensation.

# **ARTICLE 14 - DELAY IN PERFORMANCE**

Neither Owner nor Engineer shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include, but are not limited to abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riot and other civil disturbances; strikes, work slowdowns and other labor disturbances; sabotage; judicial restraint; and inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either Owner or Engineer under this Agreement.

Should such circumstances occur the non-performing party shall, within a reasonable use of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

# **ARTICLE 15 - COMMUNICATIONS**

Any communication required by this Agreement shall be made in writing to the address specified below:

Engineer: Michael Vahabzadegan, P.E.

President EST, Inc.

3201 S. Berry Rd Norman, OK 73072 (405) 307-8378 (office) (405) 329-1914 (fax) mike@estinc.net

Owner: Chris Mattingly, P.E.

Utilities Superintendent Norman Utilities Authority

P.O. Box 370 Norman OK 73070 (405) 321-2182

Chris.mattingly@normanok.gov

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of Engineer and Owner.

#### **ARTICLE 16 - WAIVER**

A waiver by either Owner or Engineer of any breach of this Agreement shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

# **ARTICLE 17 - SEVERABILITY**

The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this agreement, and the balance of this Agreement shall be construed and enforced as if this Agreement did not contain the particular portion or provision held to be void. The parties further agree to amend this Agreement to replace any stricken provision with a valid Provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this agreement be determined void.

#### **ARTICLE 18 - INTEGRATION**

This Agreement represents the entire and integrated agreement between Owner and Engineer. It supersedes all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this Agreement.

# **ARTICLE 19 - SUCCESSORS AND ASSIGNS**

Owner and Engineer each binds itself and its directors, officers, partners, successors, executors, administrators, assigns, and legal representatives to the other party to this Agreement and to the directors, officers, partners, successors, executors, administrators, assigns, and legal representatives of such other party in respect to all provisions of this Agreement.

IN WITNESS WHEREOF, Owner and Engineer	r have executed this Agreement.
DATED this day of	, 201
NORMAN UTILITIES AUTHORITY	EST, Inc.
Owner	Engineer
By:	By: MM
Title: Chairman -N.U.A.	Title: President
Date:	Date: $4-29-10$
ATTEST .	ATTEST:
Secretary	Secretary Secretary
Seal	Seal
APPROVED as to form and legality this $\frac{4}{2}$ day	y of <u>Ma</u> , 201 <u>D</u>
City Attorney	

#### ATTACHMENT A

# I. SCOPE OF THE PROJECT

The Scope of the Project includes the resurfacing of the interior and exterior of the tank as well as rehabilitating any structural defects/deterioration necessary to extend the life of the tank. The facility to be rehabilitated has a capacity of 0.5 million gallon elevated storage tank and is located at 2222 W. Boyd Street near Bud Wilkinson Drive.

# II. SCOPE OF SERVICES

The following Services will be provided.

# A. DESIGN SERVICES

- 1. EST will produce a Scoping Report to the Owner. Site visit will be preformed to examine the condition of the existing tower. The data collected from site visit will be evaluated and recommendations will be provided in the report for the coating system, structural repairs, and miscellaneous repairs. EST will submit a preliminary draft of the report for city review. A meeting with city personnel will be held to discuss the report and review comments will be incorporated and a final copy of the report will be provided to the Owner.
- 2. Following approval of the Scoping Report, EST will provide detailed Bid Documents, and Technical Specifications. Bid Documents for the coating systems and repairs of the water tower will be prepared utilizing Engineer and Owner specifications and will be in accordance with the Owner's standard format. A detailed estimate of the final construction cost for the repairs will be prepared and submitted to the Owner.
- 3. Utility coordination will be provided before and during the rehabilitation process. A preliminary meeting will be held with the affected utility owners prior to completion of the bid documents to determine temporary and permanent utility relocations and procedures. Coordination will continue with affected utility owners during the construction phase of the project as well. Inspection will be provided to ensure the utilities are properly installed on the tank during the construction per City of Norman requirements.

# **B. BIDDING SERVICES**

EST will conduct bidding phase services. The bidding phase will commence upon Owner's authorization to advertise for construction bids. The scope of these services shall include:

- 1. Advertisement. Coordinate the bid advertisement, and sell bid packets from the EST Norman office location at 3201 S Berry road Norman, OK.
- 2. Pre-Bid Conference. Hold a pre-bid conference at the Owner's request.

- 3. Addenda. Prepare and issue all addenda.
- 4. Bid Openings. Attend and assist at bid opening.
- 5. Bid Tabulation. Review all bids and prepare a bid tabulation.
- 6. Recommendation for Award. Prepare an opinion of the bids relative to award of the construction contract.

# C. CONSTRUCTION ADMINISTRATION SERVICES

EST shall provide the construction administration services for the construction period, as summarized below:

- 1. Pre-Construction Conference. Conduct the pre-construction conference and issue the necessary memorandum. The conference shall initialize the construction administration services on each individual Project.
- 2. Construction Progress Meetings. All progress and coordination meetings necessary during the Project shall be coordinated by EST. Chairing of said meetings shall be as appropriate to the meeting being held. In general, progress meetings shall be conducted a minimum of monthly during the Project and as often as weekly during critical phases of any work.
- 3. Shop Drawing Coordination. Review all shop drawings associated with the construction.
- 4. Supervision. Provide supervision of the Project Site Representative.
- 5. Approve pay estimates and contractor's claims after review of documents provided by the Project Site Representative.
- 6. Acceptance. Review all contractual requirements of the contractor and recommend Project acceptance to the Owner upon satisfactory completion per the request of the Project Site Representative.
- 7. Review all contractual requirements of the contractor and recommend Project acceptance to the Owner upon satisfactory completion.

# D. PROJECT SITE REPRESENTATION SERVICES

EST shall provide the project site representation services for the construction period, as summarized below:

- 1. Pay Estimates. Prepare and process construction pay estimates and make recommendations for each.
- 2. Contractor's Schedule. Review and make comments on the contractor's proposed construction schedules. Monitor the progress of each contractor relative to the approved schedule throughout the construction Project and report problems, concerns, and proposed remedies to Owner.

- 3. Contractor's Claims. Evaluate to present options and opinions for consideration by the Owner on claims submitted by the contractors.
- 4. Change Orders. Evaluate and prepare change orders necessary for the Project and make recommendation to Owner.
- 5. Visual Documentation. Compile pre-construction and construction photographic and video documentation of the Project.
- 6. Pre-Final Inspections. Conduct pre-final inspections with the contractor and prepare the necessary punch lists for distribution.
- 7. Final Inspections. Conduct the final inspections after completion of the punch lists by the contractors.
- 8. Acceptance. Review all contractual requirements of the contractor and recommend Project acceptance to the Owner upon satisfactory completion.

# D. CONSTRUCTION SERVICES CONTINGENCY

Should the Contractor fail to complete the Project in the contracted construction period (as identified in the bid documents of the Project and as formally adjusted for weather considerations and additional work not associated with Owner-requested scope changes), the Engineer shall provide continuing construction services. The services to be provided shall be identical in nature to the services identified in previous sections of this detailed scope of services and shall be considered as additional services or as justification for budgetary extension, if so required, to compensate Engineer for all additional duties performed.

# E. PROJECT SITE REPRESENTATION SERVICES

EST shall provide Project Site Representative services as required in the construction contract documents by reference to the Project Site Representative. The duties, responsibilities and limitations of authority of the Project Site Representative shall be as outlined in Section F, Duties, Responsibilities, and Limitations of Authority of the Project Site Representative.

# F. DUTIES, RESPONSIBILITIES, AND LIMITATIONS OF AUTHORITY OF THE PROJECT SITE REPRESENTATIVE

The Project Site Representative is Engineer's and Owner's agent at the site, will act as directed by and under the supervision of Engineer, and will confer with Engineer regarding actions. Dealings in matters pertaining to the on-site work shall in general be with Engineer and Contractor keeping Owner advised as necessary. Dealings with subcontractors shall only be through or with the full knowledge and approval of Contractor. The Project Site Representative shall generally communicate with Owner with the knowledge of and under the direction of Engineer. The duties and responsibilities are as follows:

1. <u>Schedules</u>. Review the progress schedule, schedule of shop drawing submittals and schedule of values prepared by contractor and consult with Engineer concerning acceptability.

- 2. <u>Conferences and Meetings</u>. Attend meetings with contractor, such as pre-construction conferences, progress meetings, job conferences, and other Project-related meetings, and prepare and circulate copies of minutes thereof.
- 3. <u>Liaison</u>. Serve as Engineer's liaison with contractor, working principally through contractor's superintendent and assist in understanding the intent of the contract documents; and assist Engineer in serving as Owner's liaison with contractor when contractor's operations affect Owner's on-site operations.
- 4. Shop Drawings and Samples. Record date of receipt of shop drawings and samples.

Receive samples which are furnished at the site by contractor, and notify Engineer of availability of samples for examination.

Advise Engineer and contractor of the commencement of any work requiring a Shop Drawing or sample if the submittal has not been approved by Engineer.

5. Review of Work, Rejection of Defective Work, Inspections and Tests. Conduct on-site observations of the work in progress to assist Engineer in determining if the work is, in general, proceeding in accordance with the contract documents.

Report to Engineer whenever it is believed that any work is unsatisfactory, faulty, or defective, or does not conform to the contract documents, or has been damaged, or does not meet the requirements of any inspection, test or approval required to be made; and advise Engineer of work that should be corrected or rejected or should be uncovered for observation, or requires special testing, inspection or approval. Engineer will report to Owner any such findings.

Verify that tests, equipment and system start-ups, and operating and maintenance training are conducted in the presence of appropriate personnel and that Contractor maintains adequate records thereof; and observe, record, and report to Engineer appropriate details relative to the test procedures and start-ups.

Accompany visiting inspectors representing public or other agencies having jurisdiction over the Project; record the results of these inspections and report to Engineer.

- 6. <u>Adjacent Landowner Concerns.</u> Document and handle all issues that may arise with the surrounding landowners unless the issue needs the assistance of the Engineer at which time EST will provide all necessary materials gather to that point to the appropriate City personnel.
- 7. <u>Interpretations of Contract Documents</u>. Report to Engineer when clarifications and interpretations of the contract documents are needed, and transmit to Contractor clarifications and interpretations as issued by Engineer.
- 8. <u>Modifications</u>. Consider and evaluate Contractor's suggestions for modifications in Drawings or Specifications and report with recommendations to Engineer. Transmit to Contractor, in writing, decisions as issued by Engineer.

9. <u>Records</u>. Maintain orderly files for correspondence, reports of job conferences, shop drawings and samples, reproductions of original contract documents including all work directive changes, Addenda, change orders, field orders, additional Drawings issued subsequent to the execution of the Contract, Engineer's clarifications and interpretations of the contract documents, progress reports, and other Project-related documents.

Keep a diary or log book, recording weather conditions, data relative to questions of work directive changes, change orders or changed conditions, decisions, observations in general, and specific observations in more detail as in the case of observing test procedures; and send copies to Engineer.

Keep a current log book of acceptable pay items, recording the location and quantity of all pay items delivered, used, or completed on a day-to-day basis including any necessary substantiating computations.

Record names, addresses, and telephone numbers of all contractors, subcontractors, and major suppliers of materials and equipment.

Maintain an updated "Red-line" record drawing set of construction plans reflecting all addenda and changes to the Project during the construction.

9. <u>Reports</u>. Furnish Engineer periodic reports as required of progress of the work and of Contractor's compliance with the progress schedule and schedule of Shop Drawing and sample submittals. Periodic reports should be at a minimum, monthly.

Consult with Engineer in advance of scheduled major tests, inspections, or start of important phases of the work.

Draft proposed change orders and work directive changes, obtaining backup material from Contractor and recommend to Engineer change orders, work directive changes, and field orders.

Report immediately to Engineer and Owner upon the occurrence of any accident.

- 10. <u>Payment Requests</u>. Review applications for payment with Contractor for compliance with the established procedure for their submission and forward with recommendations to Engineer, noting particularly the relationship of the payment requested to the schedule of values, work completed, and material and equipment delivered at the site but not incorporated in the work.
- 11. <u>Certificates, Operation and Maintenance Manuals</u>. During the course of the work, verify that certificates, operation and maintenance manuals, and other data required to be assembled and furnished by Contractor are applicable to the items actually installed and in accordance with the contract documents, and have this material delivered to Engineer for review and forwarding to Owner prior to final payment for the work.
- 12. <u>Completion</u>. Before substantial completion, submit to Contractor a list of observed items requiring completion or correction.

Conduct a final inspection in the company of Engineer, Owner, and Contractor, and prepare a final list of items to be completed or corrected.

Observe that all items on final list have been completed or corrected and make recommendations to Engineer concerning acceptance, and issuance of the Notice of Acceptability of the Work.

# 13. Limitations of Authority.

- a. Shall not exceed limitations of Engineer's authority as set forth in the Agreement or the contract documents.
- b. Shall not authorize any deviation from the Contract documents or substitution of materials or equipment including "or equal" items, unless authorized by Engineer.
- c. Shall not undertake any of the responsibilities of the Contractor, subcontractor, or Contractor's superintendent.
- d. Shall not advise on, issue directions relative to, or assume control over any aspect of the means, methods, techniques, sequences, or procedures of construction unless such advice or directions are specifically required by the contract documents.
- e. Shall not advise on, issue directions regarding, or assume control over safety precautions and programs in connection with the work.
- f. Shall not authorize Owner to occupy the Project in whole or in part.
- g. Shall not participate in specialized field or laboratory tests or inspections conducted by others except as specifically authorized by Engineer in writing.

## ATTACHMENT B

# **Compensation**

The engineer will receive total compensation for the project based upon the following breakdown:

# **Boyd Street Water Storage Tank**

Design Services
Bidding Services
Construction Administration Services
Project Site Representation Services

\$<u>32,000.00</u> lump sum fee \$<u>5,000.00</u> lump sum fee \$<u>8,000.00</u> lump sum fee

To be added as an amendment to this contract

Total Fees \$45,000.00 LSUM

The Engineer may submit interim statements, not to exceed one per month, for partial payment for Services rendered. The statements to Owner will be for all work actually completed. The Owner shall make interim payments within 45 days of receipt of invoice in response to Engineer's interim statements.

# ATTACHMENT C

# TIME SCHEDULE FOR SCOPE OF SERVICES PERFORMANCE

The Engineer shall, within 30 calendar days following the "Notice to Proceed," submit the Scoping Report for the Boyd Street Water Storage Tank to the Owner. Within 15 calendar days of receipt of comments, the Engineer shall make all requested changes to the Scoping Report and submit a final copy. After approval of the final Scoping Report, Bid Documents and Specifications will be submitted to the Owner for approval within 30 calendar days. Upon Owner approval of the Bid Documents and Specifications, EST will begin the Bidding Services and Construction Administration Services to provide a NTP to the contractor in October 2010.

PURCHASE REQUISITION NBR: 0000170556

STATUS: INSUFFICIENT FUNDS REASON: ENGINEERING SERVICES: BOYD WATER TOWER RESURFACING DATE: 4/29/10	GESTED VENDOR: 3235 ENGINEERING SERVICES & TESTING DELIVER BY DATE: 6/30/10	UNIT EXTEND QUANTITY UOM COST COST VENDOR PART NUMBER
ST REQUISITION BY: LYNN DAVIS	SHIP TO LOCATION: UD- WATER TREATMENT PLANT SUGGESTED VENDOR:	LINE NBR DESCRIPTION

REQUISITION TOTAL: 45000.00

45000.00

1.0000

45000.00 DOL

DESIGN, BIDDING, AND CONSTRUCTION ADMINISTRATION SERVICES FOR RESURFACING THE BOYD WATER TOWER COMMODITY: ENGINEERING SERVICES, PRO SUBCOMMOD: ENGINEER SERVICES, PROFES

	AMOUNT 45000.00	45000.00
ACCOUNT INFORMATION	, 100.00 - Boyd	
INFORMATION	PROJECT WA0039 Water Tower Maint - Boyd	
ACCOUNT		
	Capital Projects Design	
	ACCOUNT 03193544626201	
\$ \$ \$ \$ \$ \$ \$ \$	LINE #	

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT ON NUA APPROVAL 5-11-10.

- 22. ITEM: CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$35,828 REGARDING PRESTON G. WHITE VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2006-11951 Y.
  - INFORMATION: The City Attorney recommends that the City comply with the Workers' Compensation Court Order. If approved, the Order will be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85 O.S., Section 2b; 51 O.S., Section 159; and 62 O.S., Section 361. Certifying the Order to the property tax rolls will reimburse the City's Workers' Compensation Fund over the next three years. Copies of an advisory memorandum, Court Order, and purchase requisitions are included in the Agenda Book.
  - ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of \$35,828 which will constitute judgment against the City of Norman.

ACTION TAKEN:	
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TO: The Honorable Mayor and Councilmembers

**DATE:** April 26, 2010

**THROUGH:** Jeff H. Bryant, City Attorney

Jeff H. Bryant, City Attorney
R. Blaine Nice, Assistant City Attorney **FROM:** 

Rebecca R. Frazier, Assistant City Attorney

**SUBJECT:** AGENDA ITEM – Court Award in Preston G. White v. City of Norman,

Workers' Compensation Claim No. WCC 2006-11951 Y

# **BACKGROUND:**

Preston White, a Sanitation Worker II with the Sanitation Division of the Utilities Department, filed Workers' Compensation Case No. WCC 2006-11951 Y on October 12, 2006 alleging lower back injury on December 29, 2005 as a result of performing his job-related duties. The case has proceeded through the normal litigation process. A trial was held on April 15, 2010, and the Court awarded Mr. White \$34,680. The Court Order is being presented to City Council for consideration. It is recommended that the City comply with this Order.

# **DISCUSSION:**

Nature of Claim. Mr. White was hired by the City on June 4, 1984, as a Sanitation Worker I in the Sanitation Division of the Utilities Department. He was promoted to Sanitation Work II on March 18, 1987. Mr. White filed a Workers' Compensation claim on October 12, 2006 alleging strain to the lower back due to lifting a cardboard box on a windy day on December 29, 2005.

Issues for Trial. There is no question Mr. White had an on-the-job injury which required treatment. Therefore, the only issue before the Workers' Compensation Court in this case is the nature and extent of the injury. Permanent partial disability is a factual determination made by the Workers' Compensation Court trial judge based on doctors' opinions regarding the extent of permanent partial impairment to Mr. White's lower back.

On December 21, 2006, Mr. White was evaluated by Dr. Hugh McClure who opined 41% PPD due to the injury to the lumbar spine. This percentage represents 46% PPD less 5% prior impairment giving a 41% PPD rating. This rating equates to \$59,245. The City had Mr. White evaluated on February 21, 2007 by Dr. LeRoy Young who opined 9% PPD to the lumbar spine. This rating equates to \$13,005. The Workers' Compensation Court Trial Judge is free to make a ruling within the range of the medical evidence presented at the time of trial. Therefore, the City's maximum exposure to compensate Mr. White for his injuries is 41% PPD or \$59,245.

The Honorable Mayor and Councilmembers

AGENDA ITEM – Court Award in Preston G. White v. City of Norman, Workers' Compensation Claim No. WCC 2006-11951 Y

April 26, 2010

Page 2

<u>Court Award.</u> This case was heard by the Workers' Compensation Court on April 14, 2010. After hearing the Claimant's testimony and considering the expert medical evidence, the Court opined that Mr. White sustained 24% PPD over and above the pre-existing PPD of 5% due to the back (lumbar spine) (radiculopathy) injury. The Court's findings are set out in Paragraph No. 7 to the Order as follows:

THAT claimant has permanent anatomical abnormalities to his BACK (LUMBAR SPINE) (RADICULOPATHY) which are causally related to his accidental personal injury, herein. THEREFORE, as a result of said injury, claimant sustained 24 percent permanent partial disability to the BACK (LUMBAR SPINE) (RADICULOPATHY) over and above 5% pre-existing permanent partial disability, for which claimant is entitled to compensation for 120 weeks at \$289.00 per week, or the total amount of \$34,680.00 of which 120 weeks have accrued and shall be paid in a lump sum of \$34,680.00

As can be noted in Paragraph No. 7 of the Court's Order, PPD compensation is expressed in terms of "weeks" of compensation with an accompanying "weekly wage rate." Workers' Compensation awards are normally paid at the weekly rates over a period of time. Mr. White's weekly wage PPD weekly wage rate is \$289. In this instance, the total award has accrued and will be paid in a lump sum.

In complying with the Order, payment to Claimant and his attorney will be as follows:

PPD (24% Lumbar Back) \$34,680.00

Also, as noted in Paragraphs No. 9 and 10 of the Order, the City will incur additional costs and fees as follows:

Workers' Compensation Administration Fund Tax	\$ 693.60
Special Occupational Health & Safety Fund Tax	\$ 260.10
Filing Fee (Workers' Comp Court)	\$ 75.00.

In addition, the filing fee for Cleveland County Court to place this Order on the tax rolls is:

Filing Fee (District Court)	4	\$ <u>119.30</u>
Total costs and fees to the City of Norman		\$1,148.00.

The total cost of this Order to the City would be \$35,828.00.

The Honorable Mayor and Councilmembers AGENDA ITEM - Court Award in Preston G. White v. City of Norman, Workers' Compensation Claim No. WCC 2006-11951 Y April 26, 2010 Page 3

# **RECOMMENDATION:**

The only issue tried on April 15, 2010 was nature and extent of Mr. White's low back injury. The Order was within the range of the medical evidence provided at trial. It is not anticipated a more favorable ruling for the City could be achieved by further litigation, particularly due to Mr. White's extended service to the City and the physical nature of his position. Moreover, the Order was slightly less than one-half the difference in the range of medical evidence. recommended that the City move forward to comply with this Order.

Acceptance of the Order would require the payments as outlined above. The Order would be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85 O.S. § 2b, 51 O.S. § 159, and 62 O.S. § 361, et seq. Certifying the Order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.

Steve Lewis, City Manager
Ken Komiske, Director of Utilities Reviewed by: Steve Lewis, City Manager

Ellen Usry, Deputy City Clerk

cc:

#### BEFORE THE WORKERS' COMPENSATION COURT OF THE STATE OF OKLAHOMA

In re claim of:	FILED
	WORKERS' COMPENSATION COURT
	STATE OF OKLAHOMA
PRESTON G WHITE	April 19, 2010
Claimant	Robert L. Tharp COURT CLERK
	) Court Number: 2006-11951Y
CITY OF NORMAN	
Respondent	)
,	) Claimant's Social Security
CITY OF NORMAN (OWN RISK #10970)	) Number: 442-44-6119
Ins. Carrier	· )

## **ORDER**

Now on this 15th day of APRIL, 2010, this cause came on for consideration pursuant to regular assignment and hearing on APRIL 14, 2010, before JUDGE GENE PRIGMORE, at Oklahoma City, Oklahoma, at which time claimant appeared in person and by counsel, WILLIAM A VASSAR III and respondent and insurance carrier appeared by counsel, R BLAINE NICE.

The Court having considered the evidence and records on file, and being well and fully advised in the premises FINDS AND ORDERS AS FOLLOWS:

- 1 - THAT the claimant's testimony was credible.

- 2 -

THAT on or about DECEMBER 29, 2005, claimant was employed by the above named respondent and such employment was subject to and covered by the provisions of the Workers' Compensation Act, Title 85, State of Oklahoma.

-3-

THAT on or about DECEMBER 29, 2005, claimant was involved in a single event episode resulting in an accidental personal injury to the claimant's BACK (LUMBAR SPINE) (RADICULOPATHY).

-4.

THAT the incident on or about DECEMBER 29, 2005, was the predominate cause of the claimant's BACK (LUMBAR SPINE) (RADICULOPATHY) injury and the compensable benefits awarded, herein.

-5-

THAT claimant's accidental personal injury on or about DECEMBER 29, 2005, to his BACK (LUMBAR SPINE) (RADICULOPATHY) arose out of and in the course of his employment with the respondent.

- 6 -

THAT at time of injury, claimant's wages were sufficient to establish the rate of compensation at \$289.00 per week for permanent partial disability.

-7-

THAT claimant has permanent anatomical abnormalities to his BACK (LUMBAR SPINE) (RADICULOPATHY) which are causally related to his accidental personal injury, herein. THEREFORE, as a result of said injury, claimant sustained 24 percent permanent partial disability to the BACK (LUMBAR SPINE) (RADICULOPATHY) over and above 5% pre-existing permanent partial disability, for which claimant is entitled to compensation for 120 weeks at \$289.00 per week, or the total amount of \$34,680.00 of which 120 weeks have accrued and shall be paid in a lump sum of \$34,680.00.

-8-

THAT respondent or insurance carrier shall pay claimant the award herein in lump sum of \$34,680.00 (less attorney fee).

-9-

THAT respondent or insurance carrier shall pay court costs; Special Occupational Health and Safety Fund Tax shall be paid in the sum of \$260.10, representing three-fourths of one percent (0.75%). Respondent, if Own Risk, shall pay \$693.60 to the Workers' Compensation Administration Fund, representing two percent (2%) of the permanent disability award herein.

- 10 -

THAT pursuant to Title 85 O.S. Section 93, a final award fee of seventy-five dollars (\$75.00) is taxed as a cost in this matter, and shall be paid by respondent to the Court Administrator.

- 11-

THAT the sum of \$6,936.00 shall be deducted from the award herein and paid in lump sum to claimant's attorney as a fair and reasonable attorney fee; within twenty (20) days from the date of filing of this order, respondent or insurance carrier shall comply herewith.

BY ORDER OF:

GENE PRIGMORE, JUDGE

A copy of the above and foregoing Court Order was mailed, by regular or Certified United States Mail, on this filed stamped date to:

Claimant's Attorney:

WILLIAM A VASSAR III

PO BOX 14126

OKLAHOMA CITY, OK 73113-0126

Respondent's Attorney:

R BLAINE NICE

PO BOX 370

NORMAN, OK 73070-

SEAL

I do hereby certify that the above and foregoing is a true and correct copy of the original order signed by the Judge herein. Witness by my hand and the official seal of this court on this date.

Court Clerk

April 19, 2010

Robert of They

STATUS: DIVISION APPROVAL REASON: WORKERS' COMP COURT AWARD

REQUISITION BY: DJOHNSON

NBR DESCRIPTION

Н

SUGGESTED VENDOR: PRESTON G. WHITE & WILLIAM VAS

DATE: 4/26/10

DELIVER BY DATE: 5/12/10

VENDOR PART NUMBER

34680.00

34680.0000

SHIP TO LOCATION: LEGAL DEPARTMENT

EXTEND COST UNIT QUANTITY UOM

1.00 EA WORKERS' COMP COURT AWARD
WHITE V. CON, WCC 2006=11951 Y; COURT AWARD; CONTI
NGENT ON COUNCIL APPROVAL ON 5-11-10. MAKE CHECK
PAYABLE TO PRESTON G. WHITE AND WILLIAM A. VASSAR,
III (ATTORNEY); SEPARATE CHECK; RETURN CHECK TO L
EGAL.

COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION

34680.00 REQUISITION TOTAL:

INFORMATION ACCOUNT LINE # ACCOUNT 1 01030024152131

100.00 0/0 PROJECT Other Salary Orders/Settlements 34680.00

AMOUNT 34680.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

MAKE CHECK PAYABLE TO PRESTON G. WHITE AND WILLIAM A. VASSAR, III (ATTORNEY) SEPARATE CHECK; RETURN CHECK TO LEGAL.

STATUS: DIVISION APPROVAL REASON: WORKERS' COMP ADMIN TAX

REQUISITION BY: DJOHNSON

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR:

DATE: 4/26/10

2267 WORKMANS COMPENSATION

DELIVER BY DATE: 5/12/10

2267

693.60

693.6000

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1.00

WORKERS' COMP ADMIN TAX
WHITE V. CON, WCC 2006-11951 Y, COURT AWARD, CONTI
NGENT UPON COUNCIL APPROVAL ON 5-11-10. SEPARATE
CHECK, RETURN CHECK TO LEGAL.
COMMODITY: INSURANCE, ALL TYPES
SUBCOMMOD: WORKER'S COMPENSATION

693.60

REQUISITION TOTAL:

7

AMOUNT 693.60

100.00

INFORMATION

ACCOUNT

PROJECT

Other Salary Administration Fund

LINE # ACCOUNT
1 01030024152133

693.60

REQUISITION IS IN THE CURRENT FISCAL YEAR.

SEPARATE CHECK; RETURN CHECK TO LEGAL.

22-8

REQUISITION COMMENTS:

STATUS: DIVISION APPROVAL REASON: WORKERS COMP SPECIAL OCCU & HEALTH TAX

REQUISITION BY: DJOHNSON

1950 SPECIAL OCCUPATIONAL HEALTH AN SUGGESTED VENDOR: SHIP TO LOCATION: LEGAL DEPARTMENT

~

WORKERS' COMP SPECIAL OCCUP & HEALTH TAX
WHITE V. CON; WCC 2006-11951 Y; COURT AWARD; CONTI
NGENT ON COUNCIL APPROVAL ON 5-11-10; SEPARATE CHE
CK; RETURN CHECK TO LEGAL.
COMMODITY: INSURANCE, ALL TYPES
SUBCOMMOD: WORKER'S COMPENSATION

260.1000 ΕA 1.00

260.10

260.10

REQUISITION TOTAL:

7 1950

DATE: 4/26/10

AMOUNT 260.10

100.00

INFORMATION

ACCOUNT

PROJECT

Other Salary Spec Occ Health & Safety

LINE # ACCOUNT
1 01030024152135

260.10

REQUISITION IS IN THE CURRENT FISCAL YEAR.

SEPARATE CHECK; RETURN CHECK TO LEGAL.

22-9

REQUISITION COMMENTS:

DELIVER BY DATE: 5/12/10

0000170389
NBR:
REQUISITION
PURCHASE

DATE: 4/26/10	DELIVER BY DATE: 5/12/10	<b>\</b>	
	DELIVER B	2268	
	2268 WORKERS' COMPENSATION COURT	75.00	75.00
ING FEE	WORKERS' COME	75.0000	REQUISITION TOTAL:
STATUS: DIVISION APPROVAL REASON: WORKERS' COMP FILING FEE		1.00 EA C	REQUISI
STATUS: DIV REASON: WORK	SUGGESTED VENDOR:	COURT AWARD, CONTI	
REQUISITION BY: DJOHNSON	SHIP TO LOCATION: LEGAL DEPARTMENT	WORKERS! COMP FILING FEE WHITE V. CON, WCC 2006-11951 Y; COURT AWARD; CONTI NGENT UPON COUNCIL APPROVAL ON 5-11-10; SEPARATE C HECK; RETURN CHECK TO LIGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	

REQUISITION IS IN THE CURRENT FISCAL YEAR.

AMOUNT 75.00

100.00

ACCOUNT INFORMATION

PROJECT

75.00

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

STATUS: DIVISION APPROVAL REASON: WORKERS' COMP CLEVELAND COUNTY FILING FEE

434 CLEVELAND COUNTY COURT CLERK SUGGESTED VENDOR:

SHIP TO LOCATION: LEGAL DEPARTMENT REQUISITION BY: DJOHNSON

WORKERS' COMP CLEVELAND COUNTY FILLING FEE
WHITE V. CON; WCC 2006-11951 Y; COURT AWARD; CONTI
NGENT UPON COUNCIL APPROVAL ON 5-11-10; SEPARATE C
COMMODITY: INSURANCE, ALL TYPES
SUBCOMMOD: WORKER'S COMPENSATION

٦

EA 1.00

DELIVER BY DATE:

434

119.30

119.3000

119.30

REQUISITION TOTAL:

DATE: 4/26/10

AMOUNT 119.30

100.00

INFORMATION

ACCOUNT

PROJECT

Miscellaneous Services District Court Filing Fee

ACCOUNT 01030024154703

LINE #

119.30

REQUISITION IS IN THE CURRENT FISCAL YEAR.

SEPARATE CHECK; RETURN CHECK TO LEGAL.

22-11

REQUISITION COMMENTS:

5/12/10

- 23. ITEM: RESOLUTION NO. R-0910-110: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$65,000 FROM THE GENERAL FUND BALANCE TO COVER ANTICIPATED LEGAL EXPENSES FOR THE REMAINDER OF FYE 2010.
  - INFORMATION: The above-described resolution has been drawn and is submitted for City Council's consideration. Copies of an advisory memorandum and resolution are included in the Agenda Book.

ACTION NEEDED:	Motion to adopt or reject Resolution No. R-0910-110.	
ACTION TAKEN:		1



DATE:

April 12, 2010

TO:

Honorable Mayor and Councilmembers

FROM:

Jeff Harley Bryant, City Attorney

SUBJECT: Legal Department Budget Transfer

# **BACKGROUND:**

It is time for a supplemental appropriation of funds for outside legal services. Since 2005 City Council has adopted a budget that includes an appropriation for outside legal fees in the amount of \$75,000 and then followed with a supplemental appropriation for outside legal fees, as needed. Prior to 2005 this same process was utilized for years, except the beginning appropriation for outside legal services was set at \$15,000.

For the current Fiscal Year Ending on June 30, 2010 (FYE 10) the initial budget appropriation of \$75,000 for outside legal fees has now been depleted. Additional expense for outside legal work for the remainder of FYE 10 is estimated to approach \$65,000 making the total anticipated expenditure \$140,000. An item is included in the agenda book requesting that the additional funds needed be provided by an appropriation from General Fund balance.

# **DISCUSSION:**

The Legal Services account (010-2220-412.40-11) pays all litigation costs, including, but not limited to, outside legal counsel, trial preparation, expert and general witness fees, subpoenas, discovery, union contract arbitration and employment related issues, costs of appeals when necessary, and various other litigation expenses.

For FYE 10, in addition to the \$75,000 appropriated with the adoption of the Budget, additional expenses for outside legal work for the remainder of the fiscal year are estimated to approach \$65,000. An outline of how the funds have been expended to date, an estimate of additional anticipated expenditures through the end of the fiscal year, and a comparison of outside legal expenses since FYE 05 has been provided under separate cover Attorney/Client Privilege.

# **RECOMMENDATION:**

The total anticipated outside legal fees for FYE 10 is \$140,000. The amount budgeted was \$75,000. An additional \$65,000 is anticipated to be needed to finish the fiscal year based on current pending litigation. In the past, additional funding was provided through an appropriation of the General Fund balance to the litigation account.

The Honorable Mayor and Councilmembers RE: Funds for Outside Legal Fees & Expenses April 12, 2010 Page 2 of 2

It is recommended that \$65,000 be appropriated from the General Fund balance (010-0000-253.20-00) into the Legal Expense account (010-2220-412.40-11) to cover anticipated legal expenses for the remainder of FYE 10.

Reviewed by: Steve Lewis, City Manager

Anthony Francisco, Director of Finance A Funcional Clint Marrier Clint Clint Marrier Clint Clint Marrier Clint C

Clint Mercer, Chief Accountant (w

Suzanne Krohmer, Budget Analyst cc:

Debbie Whitaker, Municipal Accountant I

# Resolution

R-0910-110

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$65,000 FROM THE GENERAL FUND BALANCE TO COVER ANTICIPATED LEGAL EXPENSES FOR THE REMAINDER OF FYE 2010.

- § 1. WHEREAS, \$75,000 has been budgeted each year since 2005 for outside legal fees and followed with a mid-year supplemental appropriation as needed; and
- § 2. WHEREAS, the Legal Services account pays all litigation costs including, but not limited to, outside legal counsel, trial preparation, expert and general witness fees, subpoenas, discovery, union contract arbitration, and employment related issues; and
- § 3. WHEREAS, current pending litigation for the remainder of FYE 2010 is estimated to approach \$65,000, making the total anticipated expenditure \$140,000; and
- § 4. WHEREAS, in the past, additional funding was provided through an appropriation of the General Fund balance to the litigation account.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 5. That the below-described appropriation be made for the reasons as stated above.

Account Name	Losing Account	Gaining Account	<u>Amoun</u>
Professional Services – Legal	010-0000-253.20-00	010-2220-412.40-11	\$65,000

PASSED AND ADOPTED this 11th day of May, 2010.

ATTEST:	Mayor	
City Clerk	entralismo artificación.	•



- 24. ITEM: RESOLUTION NO. R-0910-114: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, EXPRESSING SUPPORT FOR LOCALLY-BASED, SUSTAINABLE, AND EQUITABLE COMMERCE, WELL-BEING OF SMALL FARMERS AND PRODUCERS, AND SUPPORT OF SMALL AND LOCAL BUSINESSES.
  - INFORMATION: The above-described resolution has been drawn and is submitted for City Council's consideration. Copies of the resolution and letters of supports are included in the Agenda Book.

ACTION NEEDED:	Motion to adopt or reject Resolution No. R-0910-114.
ACTION TAKEN:	

# Resolution

R-0910-114

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, EXPRESSING SUPPORT FOR LOCALLY-BASED, SUSTAINABLE, AND EQUITABLE COMMERCE, WELL-BEING OF SMALL FARMERS AND PRODUCERS, AND SUPPORT OF SMALL AND LOCAL BUSINESSES.

- § 1. WHEREAS, the City of Norman annually spends taxpayer dollars purchasing food, apparel, and other goods; and
- § 2. WHEREAS, as consumers, we have a responsibility to be cognizant of the impact that our consumption has on the communities that produce the goods we purchase; and
- § 3. WHEREAS, the City of Norman has a responsibility to ensure that City funds are spend in an ethical manner that promotes local economies both domestically and abroad whenever possible; and
- § 4. WHEREAS, Fair Trade is a system that encourages fair labor practices and a healthy and safe environment and provides consumers with the opportunity to make a positive social impact in communities around the world through:
  - 1. providing decent working and living conditions and fair wages for workers,
  - 2. guaranteeing producers a minimum price for their goods,
  - 3. promoting direct, long-term trade relationships between producers and importers, allowing producers to develop competitive business strategies,
  - 4. environmentally sustainable farming/production practices; and
- § 5. WHEREAS, locally owned businesses provide essential employment opportunities and contribute to the character and unique identity of our community; and
- § 6. WHEREAS, the City of Norman recognizes the important role that local businesses have in the diversity and sustainability of our economy and is strongly committed to developing our local business base; and
- § 7. WHEREAS, though no domestic Fair Trade certification currently exists, we recognize that supporting our local economy by purchasing locally and ethically produced goods and services is in keeping with the values of Fair Trade; and
- WHEREAS, the City of Norman recognizes and supports the efforts of local organizations working to
   promote and support locally owned businesses and to increase consumer and business awareness of and
   commitment to buying local and Fair Trade; and
- § 9. WHEREAS, the City of Norman has the opportunity to lead by example and present a model of economic, environmental, and social responsibility and sustainability for other towns to follow.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 10. That the Council of the City of Norman expresses support for locally-based, sustainable, and equitable commerce, well-being of small farmers and producers, and support of small and local businesses.

PASSED and A	DOPTED this	day of	, 2010.
THE TY OF ORMAN LAHOMA	ATTEST:	Mayor	

City Clerk

To the Norman City Council

February 13, 2010

I have reviewed the Fair Trade Resolution that is before the City Council and give my support for its acceptance. This is a program that can eventually overcome the current economic process that pits the most desperate peoples against the workers in other countries to bring wages below a living wage for all. We commonly hear of sweat shops and forced child labor by unscrupulous employers. Also common, are companies that control a particular market and can control what is paid for goods and simply pay the minimum amount to the producers. The Fair Trade system provides for certifying that the products are produced by people under reasonable labor conditions and that they receive a living wage for their work. This is a beginning that we should encourage. Fair Trade covers the goods we buy from other countries.

A second part of the resolution specifies that we buy locally, that is, from our local businesses. We help ourselves by helping our local communities and state. Buying from our local businesses keeps the money here helping to start new businesses. Additionally, buying locally produced goods usually reduces the amount of energy expended to have the items in the stores here. Therefore, buying locally produced goods has the benefit of keeping money in our community but also helping our environment as well. Buying locally is a sound goal of the resolution. Both of the goals of this resolution can lead to a significant improvement in our community and in the rest of the world.

Norman is a progressive town that we are all proud of. Adopting the Fair Trade Resolution will be another mark of distinction for Norman.

Chadwick Cox, Ph.D.
Retired Professor of Biochemistry and Molecular Biology
OU Health Sciences Center
2241 Ravenwood Ln.
Norman, OK 73071
405-329-8860

### Edwin Kessler 1510 Rosemont Drive

Norman, Oklahoma 73072

Voice phone – 405-360-2194; Fax phone – 405-360-3246 E-mail – kess3@swbell.net

February 16, 2010

Municipal Council of the City of Norman P.O. Box 370 Norman, Oklahoma 73070

Dear City Council,

This requests that you promote purchase of "fair trade" items. This request is made although it is well known that such items are more immediately expensive to the purchaser than are the purchases of items subject to conditions of the usual marketplace. This is a matter of the contrary perceptions of short-term and long-term visions, and narrow and broad visions. This request follows a sense of moral righteousness in giving help from the relatively affluent to the poor and voiceless.

The usual market place is a poor regulator of price where and when it contributes to large disparities in income that are portents of social unrest and worse. A frequently used example is the North American Free Trade Agreement (NAFTA), which has contributed to the impoverishment of Mexican corn farmers who operate traditionally, i.e., labor-intensively. This impoverishment is traceable to the availability in Mexico of corn from the United States, which is lower priced than the Mexican traditionally-grown corn. The production of U.S. farmers is often cheaper because our production is based on liquid fuels although those fuels are in dwindling supply. This condition contributes, in turn, to migration of large numbers of Mexicans searching for work and to an undesirable stimulative component of liquid fuel-based agriculture in our country.

Other examples could be given, some involving exploitation of women and children in sweatshop conditions. The Fair Trade Movement is multifaceted and growing, involves many elements of concerned citizenry, faces difficult social and political conditions in some areas, and is effective where it can be.

Norman, through a declaration of its City Council in support of the proposed Fair Trade Resolution, and subsequent action, should join the growing number of supportive cities in our country.

Thank you for consideration.

Sincerely,

Edwin Kessler



The Norman Chamber of Commerce cultivates, promotes and supports economic opportunities and community enrichment by providing leadership and services to its members and the community.

March 11, 2010

To Whom It May Concern:

I am writing on behalf of the members of the executive committee of the Norman Chamber of Commerce to express their belief in the value of Norman's support for sustainable and equitable commerce and the well-being of small farmers and producers. Norman has the opportunity to lead by example and present a model of economic, environmental, and social responsibility and sustainability for other cities to follow.

The Chamber's officers agree with the idea of establishing a Buy Local/Buy Fair policy to maximize purchasing Fair Trade Certified products when those products are available and comparably priced.

The Chamber's executive committee also supports the idea of celebrating National Fair Trade Month in Norman each October as a way of educating the community about the importance of this issue.

Sincerely.

Executive Director

Everett L. Miller 418 Margaret Drive Norman, OK 73069

March 14, 2010

To Whom It May Concern:

I am writing to express my support for certification of Norman, Oklahoma as a Fair Trade Town. I believe in sustainable and equitable commerce and the well-being of small farmers and producers. I agree with a statement by our Chamber of Commerce that says, "Norman has the opportunity to lead by example and present a model of economic, environmental, and social responsibility and sustainability for other cities to follow."

I make every effort to purchase local, to purchase made in the USA products, and to purchase Fair Trade Certified products. These options have become more and more available in Norman with our growing Farmer's Market, the growing number of retailers offering the above options, and our active Norman Fair Trade group. I have also had the opportunity to help plan and host *Break the Chains: A Modern Slavery and Fair Trade Event*.

Please consider certifying Norman as a Fair Trade Town. Norman is a model community and is already serving as an example for other towns and cities in areas such as parks and other public space, recycling, and composting. Thank you.

Sincerely

Everett L. Miller

March 14, 2010

### To Whom It May Concern:

The Norman Unitarian Universalist Fellowship has offered Fair Trade products for sale to the congregation for more than five years. We urge the City of Norman to establish a Buy Local/Buy Fair policy when purchasing necessary goods for the City of Norman offices.

Fair Trade practices assure that producers receive a fair price for their products, that no forced labor or exploitative child labor is used in production and that products are produced using sustainable and environmentally methods.

NUUF also supports that October be celebrated annually as National Fair Trade Month in Norman.

Sincerely,

Larry Bierman, President

Norman Unitarian Universalist Fellowship

#### To Whom It May Concern:

The Norman Women Entrepreneurs Network endorses Norman's quest to become a Fair Trade City. Fair Trade enables people in developing nations to provide a sustainable living for themselves and their families. As women entrepreneurs, we applaud the fact that many of the fair trade products are produced by women.

Joan Kaplan

Secretary NWEN



March 18, 2010

Dear City Council Members,

As a business owner and 20 year citizen of Norman, I highly encourage the efforts to declare Norman a Fair Trade Town. Fair Trade relationships ensure that small farmers and producers across the world are treated with respect and basic human rights, in addition to being paid a living wage.

Our town's recent accomplishments in city-wide recycling and other green efforts have made Norman a role model for other communities. Supporting a Buy Local/Buy Fair Campaign is a logical next step for Norman because it takes in to account the larger picture of sustainability. Initiatives such as these are what set Norman apart and make it such an amazing place to live.

Sincerely,

Sara Kaplan'
Owner/Operator
Native Roots Market

Native Roots Market 132 West Main Norman, OK 73069 405.310.6300

#### NORMAN FAIR TRADE LETTER for Stephanie Bates March 19, 2010

I write this letter to say to those that think slavery and a need for working people to be able to organize is a thing of the past, you should look around you at the world we are living in today! I say that as someone that is considered by some, to be a social activist and a defender of working people. It is for these reasons, and the illustrations to follow, that I sincerely hope that the Norman City Council will take the appropriate action to declare that the City of Norman is indeed a "Fair Trade City!"

I often hear people make comments such as, "labor unions might have been a good thing back in the '30's, but we don't need them now", or "employers take good care of their workers, they don't need to be organized". Comments such as those make me shudder, and also remember a few instances in our recent history when the employers did not take good care of the employees. I remember very distinctly the story discovered in 2001, while Oklahoma was engaged in a battle over State Question 695, characterized as a vote on "Right to Work For Less". The discovery of a number of skilled workers from India, about 50 tradesmen who were plumbers, pipefitters, welders, and electricians had been hired to work for the John Pickle Company in Tulsa, Oklahoma. The allegations go that the men were promised high pay, good living conditions, and benefits, to come to America and work to fill in these jobs because of a shortage of skilled labor here.

The real truth was, that upon arrival, these skilled workers became virtual prisoners, their work permits and visas were taken from them, they were confined to the workplace, to eat, sleep, work all at the same place. They were locked in and could not leave, forced to work long hours, then attempt to sleep in hot, cramped quarters while work went on around them. To compound the "slavery", these men were only paid a low substandard wage, not even the prevailing Minimum Wage, much less the rate a comparable skilled trade would command in the "free world outside" of the Pickle Company. Fortunately, one of these men, ragged and hungry, escaped. He received help from a nearby church, and then several labor organizations, which led to the freedom of these "prisoners" and the ultimate closing of the John Pickle Company. Several lawsuits have been filed against that company, for various claims of false imprisonment, back wages, etc.

I also remember hearing a program on NPR recently regarding immigrant labor. One woman, who proudly proclaimed herself as a Republican, and against illegal immigrants, lamented the fact that as the owner of a small strawberry truck farm in South Florida, she could not find anyone willing to work in the hot Florida sun, picking her strawberries, except illegal immigrants! I thought to myself, as I heard her complain, I wonder if she ever thought about her wage schedule, and how she treated her employees? Maybe no one else was desperate enough to accept her work conditions, only those who were here illegally, and had no other options, but to become a "wage slave"!

I use these two vivid examples to point out that, in my opinion, workers are entitled to a portions of the fruits of their labor. We all understand that an employer must make a profit to be able to recoup money and time invested in bringing an idea or product to market. Often times,

much lead time is required to research and develop an idea. Additionally, there would also be investment in a facility, equipment, marketing, etc., so I don't think anyone would argue against the owner/builder of a company enjoying a return on their investment. But, I do not think that an employer should have the attitude that they do not need good employees, or that the employee does not deserve a fair and living wage for the work that is being done. After all, if the employee cannot afford the product that is being produced, the market for that product is greatly reduced, and the chance of success is also diminished.

I used the examples to show that there is a vast difference between "free trade" and "fair trade". To underline this concept, I would point to a great American industrialist, Henry Ford. Mr. Ford began paying his factory workers the huge sum of \$5.00 per day, when most other workers were working for only \$1 to 2.00 a day. Henry realized that if his employees could afford to purchase one of the cars they were building, he would have a larger customer base, and that his workforce would have more incentive to build a better product. The bottom line was that "everyone had some skin in the game". Henry Ford wanted to be successful and make money selling cars and trucks, the employees wanted to have a good job, make a decent living, be able to take good care of their families, and be able to purchase a new fangled invention called the automobile. Seems like a pretty good idea! I think this concept should be continued today.

As we all know, Norman ranks very high, as a great place to live, in many different polls and surveys. I think it would enhance Norman's already good reputation if we could add to that list, that Norman is a "Fair Trade City." Thank you for your consideration of my "FAIR TRADE PROPOSAL".

Sincerely,

Representative Wallace Collins HD 45, Norman

## Dear Norman City Council:

Hello, my name is Swant we Walle and I attend Norman North High School. I am part of a
group at North that endorses Fair Trade in the community. I personally support Fair Trade
because modern stonery is not only exercitying - it is
Something we are able to like. I am writing to
propose that you make Norman a Fair Trade City. There are several reasons for this.
Fair Trade is a global scal that sign seg that no slavery
was used in the production of that product. By Separ
such products, Norman and join a workhande movement
to and modern stancing.
This is also a cause people of all ages can relate to. Norman will have nothing to lose but so
much to gain by becoming a Fair Trade City. I urge you to take action and help end modern
slavery and human trafficking today.

## Dear Norman City Council:

Hello, my name is Sava h Capand I attend Norman North High School. I am part of a
group at North that endorses Fair Trade in the community. I personally support Fair Trade
because it supports products made by employees who
because it supports products made by employees who recleve fair wayes fer their laber which in the
propose that you make Norman a Fair Trade City. There are several reasons for this.
I personally believe it is the right
thing to do. By knying fair trade
products or are returns to support modern
Slavery. Also, having the who city orderse fair. Frade will inchease awarness about thourn staken and This is also a cause people of all ages can relate to. Norman will have nothing to lose but so demove
This is also a cause people of all ages can relate to. Norman will have nothing to lose but so
much to gain by becoming a Fair Trade City. I urge you to take action and help end modern
slavery and human trafficking today.
$C_{i}$

### Dear Norman City Council:

Fachel Berlowit

Hello, my name is Rachel Berkawitz and I attend Norman North High School. I am part of a
group at North that endorses Fair Trade in the community. I personally support Fair Trade
because I want to try to make the world a better place.
I am writing to
propose that you make Norman a Fair Trade City. There are several reasons for this.
To fix worldwide problems and make people feel
safe and have fair apportunities in life, we must
start locally. If all of the cities in the state and then
the country become fair trade cities, then we will be getting some
This is also a cause people of all ages can relate to. Norman will have nothing to lose but so
much to gain by becoming a Fair Trade City. I urge you to take action and help end modern
slavery and human trafficking today.



1151 East Main Street Norman, OK 73071 phone (405) 364-1420 fax (405) 364-1433 contact@ccfinorman.org www.ccfinorman.org

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Katie Fitzgerald, MSW



#### To Whom It May Concern:

The Center for Children and Families, Inc. (CCFI) would like to join others in supporting the City of Norman in becoming a designated Fair Trade Town and adopting local policies to maximize the purchasing of Fair Trade Certified products when they are available.

CCFI deals daily with the impact of child abuse and neglect. We understand how abuse and neglect not only negatively impacts child victims but entire communities. Today, the number of children and adults in countries around the world being exploited and forced to labor numbers is in the millions.

We believe it is imperative that our local government, area businesses, and non-profit organizations view our participation in the global economy with the same moral lens and values that guide our local community. We can take an important step in that direction by doing all we can to ensure the products that fuel our local economy is not tainted by forced or exploitative labor. We also support the idea of celebrating National Fair Trade month in October each year as a way to raise awareness of this important issue.

Sincerely,

Katie Fitzgerald
Executive Director

### **Unitarian Universalist Community Church**

205 West Main Norman, Oklahoma 73069 405 447-6138

#### To Whom It May Concern:

It has come to our attention that Norman's local Fair Trade organization has proposed that Norman become a Fair Trade Town. We support that idea without reservation.

Our church has purchased Fair Trade products for several years. By purchasing Fair Trade products, we make a conscious effort to refuse economic support for the deplorable conditions under which many coffee and tea plantation workers live and work. We also strive to make our Norman community aware of the documented abuse of children and the use of slave labor in the production of many everyday products.

An independent, third-party (TransFair USA) certifies compliance with these Fair Trade criteria:

- Fair prices,
- Fair labor conditions,
- Direct trade eliminating middlemen,
- Democratic and transparent organizations,
- Community development,
- Environmental sustainability.

Receiving a living wage helps lift farmers and workers out of poverty. Instead of putting their children in the field, they can put their children in school.

The Unitarian Universalist Community Church supports making Norman a Fair Trade Town. We urge the Norman City Council to join the growing effort to empower communities and create a more equitable global trade model that benefits us all. Please vote to make Norman a Fair Trade Town.

Sincerely.

Alice Fielding, President

Unitarian Universalist Community Church

- 25. ITEM: RESOLUTION NO. R-0910-117: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING \$1,700 FROM THE LONGFELLOW-JEFFERSON SAFE ROUTES PROJECT CONSTRUCTION ACCOUNT AND APPROPRIATING \$3,300 FROM THE SPECIAL REVENUE FUND BALANCE TO PAY UP-FRONT COSTS FOR THE PROJECT.
  - INFORMATION: The above-described resolution has been drawn and is submitted for City Council's consideration. Copies of an advisory memorandum and resolution are included in the Agenda Book.

ACTION NEEDED: N	Motion to adopt or reject Resolution No. R-0910-117.
ACTION TAKEN:	



**DATE:** April 19, 2010

**TO:** Honorable Mayor and City Council

FROM: Michael D. Rayburn, Staff Engineer – Traffic Division

SUBJECT: Agenda Item: Safe Routes to School - Jefferson/Longfellow Project

1. Transfer of funds from Capital Fund to Special Grants Fund to up-front funding for the non-infrastructure component of Safe Routes to School Grant Contract No. K-0809-151 for the Jefferson-Longfellow Schools Project

2. Additional appropriation of funds from Special Grants Fund Balance

#### **BACKGROUND:**

The City of Norman, sponsor of an application with the Norman Public Schools, was chosen to receive funding in the first Oklahoma cycle (for the combined years 2006-2009) of the federal Safe Routes to School Program. The only local project selected by the Oklahoma Department of Transportation (ODOT), the program's administrator in Oklahoma, was for the Jefferson Elementary / Longfellow Middle Schools. This is a 100% reimbursable program, but it is necessary to have funding to up-front the payments of invoices incurred.

The funds granted for the Jefferson/Longfellow project include \$198,900 for infrastructure improvements and \$5,000 for non-infrastructure activities. In addition, the City has committed \$1,000 for certain striping and signing activities associated with the infrastructure improvements, the Norman Police Department another \$100 for safety training, and another \$600 from Norman Regional Hospital and Buchanan Bicycles for incentives. These local "in-kind" commitments were important factors in getting the project selected. From the September 10, 2009 Notice to Proceed from ODOT, there is a two-year time limit for preparing plans and constructing the infrastructure improvements, and a one-year time limit to do the proposed non-infrastructure activities.

The scope of the infrastructure part of the project includes improvements of sidewalks and ramps around the schools, installation of 11 traffic calming speed tables on residential streets next to the schools, installation of an in-pavement lighted crosswalk across Main Street at Cockrel Avenue, installation of bicycle racks at Longfellow School, and construction of mast arm flashers to replace the conventional school beacons on the Classen Boulevard-Porter Avenue (US77) corridor which runs near the Longfellow Middle School and nearby Lincoln Elementary (which is within 1 mile of the Jefferson/Longfellow Schools).

The scope of the non-infrastructure part of the project are activities to encourage children to bike and walk to school. These include a Bike Rodeo/Repair Clinic, Walking School Bus, Safety Town field trips, and the incentives, instruction, and other related expenses that enable these to happen.

Honorable Mayor and City Council
Agenda Item – Appropriation of Funds for Non-Infrastructure Portion of Safe Routes to
School Grant
April 19, 2010
Page 2 of 3

#### **DISCUSSION**:

On May 26, 2009, the City Council approved Contract No. K-0809-151, the Safe Routes to School Project Agreement Number 1008 for Federal-aid Project Number SRS-155F(709)ST and SRS-155F(710)ST, State Job 26337(04)ST and 26337(05)ST, between the City of Norman and the Oklahoma Department of Transportation. On January 12, 2010, the Council approved Contract No. K-0910-126 for \$29,000 with BWR, Inc., consulting engineers, to prepare construction plans for this Safe Routes to School grant. The non-refundable funds for this design contract are in a separate Capital Projects Fund account (no. 050-9082-431.62-01).

Since this is a refundable program, a Capital Projects Fund construction account (no. 050-9082-431.61-01) (TR-0072) was set up to pay and track the payment of invoices for this project. Currently, there is \$220,600 in this account, which includes \$198,900 (the infrastructure component of the grant) and \$1,700 of committed local funds by the City of Norman Traffic Division (\$1,000), the Norman Police Department (\$100), the Norman Regional Hospital (\$500), and Buchanan Bicycles (\$100). The \$1,700 represents "in-kind" donations for which there will be no reimbursements and which should not have been placed in that account. Since the \$5,000 non-infrastructure portion of the grant was never budgeted for, it needs to be at this time. To do this, the \$1,700 committed funds should be transferred to Miscellaneous Services in the Special Grants Fund (account no. 022-5023-429.47-99). In addition, an appropriation of \$3,300 from the Special Grants Fund Balance (account no. 022-0000-253.20-00) is needed to fully fund the reimbursable, non-infrastructure portion of the grant.

The following recommendations assure that up-front funds are available for both the infrastructure and non-infrastructure components of the grant, and that it is funding-neutral since 100% of the funds are reimbursable.

#### **RECOMMENDATION NO. 1:**

Staff recommends transfer of \$1,700 locally committed funds from the Capital Projects Fund (account no. 050-9082-431.61-01 for the Safe Routes to School project) (TR-0072), to Miscellaneous Services in the Special Grants Fund (account no. 022-5023-429.47-99) (TR-0072).

LOSING ACCOUNT	GAINING ACCOUNT	AMOUNT
050-9082-431.61-01 (Longfellow-Jefferson Safe Routes to School)	022-5023-429.47-99 (Special Revenue - Miscellaneous Services) Project No. TR-0072	\$1,700
Project No. TR-0072		25-2

#### **RECOMMENDATION NO. 2:**

Staff further recommends the appropriation of \$3,300 from the Special Grants Fund Balance (account no. 022-0000-253.20-00) to Miscellaneous Services in the Special Grants Fund (account no. 022-5023-429.47-99 (TR-0072).

LOSING ACCOUNT	GAINING ACCOUNT	AMOUNT
022-0000-253.20-00 (Special Grants Fund Balance)	022-5023-429.47-99 (Special Revenue – Miscellaneous Services) Project No. TR-0072	\$3,300

Reviewed by: Steve Lewis, City Manager

Shawn O'Leary, Director of Public Works

Jeff Bryant, City Attorney Angelo Lombardo, City Traffic Engineer

Susan Connors, Director of Planning & Community Development

Anthony Francisco, Director of Finance
Clint Mercer, Chief Accountant

By
A. Francisco
A. Franci

Clint Mercer, Chief Accountant **By** Frederick Duke, Procurement Analyst **D** 

R-0910-117

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING \$1,700 FROM THE LONGFELLOW-JEFFERSON SAFE ROUTES PROJECT CONSTRUCTION ACCOUNT AND APPROPRIATING \$3,300 FROM THE SPECIAL REVENUE FUND BALANCE TO PAY UP-FRONT COSTS FOR THE PROJECT.

- § 1. WHEREAS, the only local project selected by the Oklahoma Department of Transportation for the federal Safe Routes to School Program was for Jefferson Elementary/Longfellow Middle Schools; and
- § 2. WHEREAS, this is a 100% reimbursable program but it is necessary to have funding up-front to pay invoices as they are incurred; and
- § 3. WHEREAS, in-kind donations totaling \$1,700 will have no reimbursements and will need to be removed from the project account and placed in a special revenue account; and
- § 4. WHEREAS, the \$5,000 non-infrastructure portion of the grant was never budgeted for and needs to be done at this time; and
- § 5. WHEREAS, it is necessary to appropriate \$3,300 from the Special Revenue Fund to make the up-front funds available for both the infrastructure and non-infrastructure components of the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 6. That the following transfer and appropriation be made for the reasons as stated above:

Account Names	Losing Account	Gaining Account	Amount
Project No. TR0072, Longfellow-	050-9082-431.61-01	022-5023-429.31-99	\$1,700
Jefferson Safe Routes, Traffic			
Control/Miscellaneous Services/Other			
Project No. TR0072, Longfellow-	022-0000-253.20-00	022-5023-429.31-99	\$3,300
Jefferson Safe Routes, Traffic			
Control/Miscellaneous Services/Other			

PASSED AND ADOPTED this 11th day of May, 2010.

	ATTEST:	
THE THE	ATTEST.	
CITY OF NORMAN		
OKLAHOMA  LANE THUNDERBED		
	<u> </u>	

- 26. ITEM: RESOLUTION NO. R-0910-118: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING \$619 FROM THE MISCELLANEOUS REIMBURSEMENTS/REFUNDS ACCOUNT TO REIMBURSE THE POLICE DEPARTMENT FOR TESTING FEES WHICH HAD PREVIOUSLY BEEN PAID BY THOSE APPLYING FOR POLICE OFFICER POSITIONS AND RECEIPTED INTO THE REIMBURSEMENT/REFUND ACCOUNT.
  - INFORMATION: The above-described resolution has been drawn and is submitted for City Council's consideration. Copies of an advisory memorandum and resolution are included in the Agenda Book.

ACTION NEEDED:	Motion to adopt or reject Resolution No. R-0910-118.
ACTION TAKEN:	



Date:

April 14, 2010

To:

**Honorable Mayor and City Council** 

From:

Phil Cotten # Chief of Police

Subject:

Agenda Item: Fund Appropriation for Police Applicant Testing

#### **BACKGROUND:**

Applicants for police officer positions are required to take both written and physical tests during the hiring process. One of the written tests is a standardized test purchased from a nationally recognized vendor. There is a charge for each test from the vendor and the cost of the test is collected from each applicant at the time of testing.

#### **DISCUSSION:**

The police applicants pay for the cost of the test material to off-set costs to the City Of Norman. The cost for each test is \$15. A total of 179 persons tested for the next scheduled academy in which we are only scheduled to hire about 10 personnel. To assist the applicants after they are required to pay for the test material, if they are unsuccessful in our application process, we will share their test score to any other department they apply at which uses the same test within a one year period. When the testing fee is collected the funds are deposited into a Reimbursement / Refund account. Because it is unknown how many applicants will be testing each hiring cycle sufficient funds may not have been previously appropriated into an expenditure account.

#### RECOMMENDATION:

It is recommended that the \$619 be appropriated from the Misc. Reimbursements / Refunds Account 010-0000-367.12-65 into the Police Staff Services – Other Professional Testing Account 010-6015-421.40-99.

From: 010-0000-367.12-65

Misc. Reimbursements / Refunds

\$619.00

To:

010-6015-421.40-99

Other Professional Testing

\$619.00

PC/jm

Reviewed by: Jeff Bryant, City Attorney

Reviewed by: Clint Mercer, Chief Accountant (')

Reviewed by: Anthony Francisco, Finance Director Atraumo

Reviewed by:

Steve Lewis, City Manager

# Resolution

R-0910-118

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING \$619 FROM THE MISCELLANEOUS REIMBURSEMENTS/REFUNDS ACCOUNT TO REIMBURSE THE POLICE DEPARTMENT FOR TESTING FEES WHICH HAD PREVIOUSLY BEEN PAID BY THOSE APPLYING FOR POLICE OFFICER POSITIONS AND RECEIPTED INTO THE REIMBURSEMENT/REFUND ACCOUNT.

- WHEREAS, applicants for police officer positions are required to take both written and physical tests during the hiring process and there is a charge of \$15 for each test from the vendor and the cost of the test is collected from each applicant at the time of testing; and
- § 2. WHEREAS, there were 179 applicants tested for the next scheduled academy and the police applicants pay for the cost of the test material to offset costs to the City of Norman; and
- § 3. WHEREAS, when the testing fee is collected the funds are deposited into a Reimbursement/Refund account and because it is unknown how many applicants will be testing each hiring cycle, sufficient funds were not previously appropriated into an expenditure account.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

That the following appropriation be made for the reason as stated above:

Account Name	Losing Account	Gaining Account	Amount
Professional Services/Other	010-0000-367.12-65	010-6015-421.40-99	\$619
Professional			

PASSED AND ADOPTED this 11th day of May, 2010.

	Mag	yor	
ATTEST:			



- 27. ITEM: PROCLAMATION NO. P-0910-21: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MAY 16 THROUGH 21, 2010, AS EMERGENCY MEDICAL SERVICES WEEK IN THE CITY OF NORMAN.
  - INFORMATION: Mr. Eddie Sims, Chief/Manager of EMSTAT, Norman Regional Hospital, has requested a proclamation proclaiming the week of May 16 through 21, 2010, as Emergency Medical Services Week in the City of Norman. The above-described proclamation has been drawn and is submitted for City Council's consideration. A copy of the proclamation is included in the Agenda Book.
  - ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-0910-21 proclaiming the week of May 16 through 21, 2010, as Emergency Medical Services Week in the City of Norman and direct the filing thereof.

ACTION TAKEN:		

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MAY 16 THROUGH 21, 2010, AS EMERGENCY MEDICAL SERVICES WEEK IN THE CITY OF NORMAN.

- § 1. WHEREAS, emergency medical services are a vital public service as members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and
- § 2. WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and
- § 3. WHEREAS, emergency medical services teams consist of emergency medical technicians, emergency physicians, emergency nurses, paramedics, firefighters, educators, and administrators who engage in hours of specialized training and continuing education to enhance their lifesaving skills; and
- § 4. WHEREAS, the citizens of Norman benefit daily from the knowledge and skills of these highly trained individuals and value the accomplishments of emergency medical services providers; and
- § 5. WHEREAS, injury prevention and the appropriate use of the emergency medical services system will help reduce national health care costs.

NOW, THEREFORE, I, MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

§ 6. Do hereby proclaim the week of May 16 through 21, 2010, as Emergency Medical Services Week in the City of Norman.

PASSED AND APPROVED this 11th day of May, 2010.

	Mayor
ATTEST:	



- 28. ITEM: PROCLAMATION NO. P-0910-26: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF MAY, 2010, AS MOTORCYCLE AWARENESS MONTH IN THE CITY OF NORMAN.
  - INFORMATION: Mr. Randy Jones, Vice President of the South Central Chapter of ABATE has requested a proclamation proclaiming the month of May, 2010, as Motorcycle Awareness Month in the City of Norman. The above-described proclamation has been drawn and is submitted for City Council's consideration. A copy of the proclamation is included in the Agenda Book.
  - ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-0910-26 proclaiming the month of May, 2010, as Motorcycle Awareness Month in the City of Norman and direct the filing thereof.

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF MAY, 2010, AS MOTORCYCLE SAFETY AWARENESS MONTH IN THE CITY OF NORMAN.

- § 1. WHEREAS, the month of May is traditionally the beginning of the motorcycle riding season in Norman and throughout the State of Oklahoma; and
- § 2. WHEREAS, Oklahoma has 191,789 individuals who have a valid operator's license with a motorcycle endorsement; and
- § 3. WHEREAS, 66% of two-vehicle accidents were not the fault of the motorcycle; and
- § 4. WHEREAS, the failure of motorists to detect and recognize motorcycles in traffic is the predominant cause of motorcycle accidents; and
- § 5. WHEREAS, motorcycle awareness and safety is a concern to all and it is therefore appropriate for all motorists and cyclists to unite be aware, and share the road with their more vulnerable cyclist neighbors.

NOW, THEREFORE, I, MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

§ 6. Do hereby proclaim the month of May, 2010, as Motorcycle Safety Awareness Month in the City of Norman, Oklahoma, and due to the reappearance of a large number of motorcycles on the streets and highway, I urge all motorists to "Look Twice, and Save a Life."

PASSED AND APPROVED this 11th day of May, 2010.

ATTEST:	Mayor	
City Clerk		

- 29. ITEM: PROCLAMATION NO. P-0910-27: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING FRIDAY, MAY 21, 2010, AS BIKE-TO-WORK DAY IN THE CITY OF NORMAN.
  - INFORMATION: Mr. James Briggs, Staff Liaison for the Bicycle Advisory Committee has requested a proclamation proclaiming Friday, May 21, 2010, as Bike-to-Work Day in the City of Norman. The above-described proclamation has been drawn and is submitted for City Council's consideration. A copy of the proclamation is included in the Agenda Book.
  - ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-0910-27 proclaiming Friday, May 21, 2010, as Bike-to-Work Day in the City of Norman and direct the filing thereof.

ACTION TAKEN:			

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING FRIDAY, MAY 21, 2010, AS BIKE-TO-WORK DAY IN THE CITY OF NORMAN.

- § 1. WHEREAS, for more than a century, the bicycle has been an important part of the lives of most Americans; and
- § 2. WHEREAS, today, millions of Americans engage in bicycling because it is a viable and environmentally friendly form of transportation, an excellent form of fitness, provides quality recreation, and helps relieve the fiscal strain of high gas prices; and
- § 3. WHEREAS, the education of cyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and
- § 4. WHEREAS, walking and bicycling to and from work can contribute towards the development of a life long habit of physical activity; and
- § 5. WHEREAS, the Oklahoma Bicycle Society, the Bicycle League of Norman, the Norman Bicycle Advisory Committee and independent cyclists throughout our state are promoting greater public awareness of bicycle operation and safety education in an effort to reduce accidents, injuries and fatalities for all.

NOW, THEREFORE, I, MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

§ 6. Do hereby proclaim Friday, May 21, 2010, as Bike-to-Work Day in the City of Norman and encourage all citizens to recognize the importance of bicycle safety and be more aware of cyclists on our streets and highways; and invite all to ride their bicycles to City Hall that morning as they bike to work for an 8:00 a.m. rally as a show of support for bicycle use for all those reasons named herein.

PASSED AND APPROVED this 11th day of May, 2010.

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- 30. ITEM: PROCLAMATION NO. P-0910-28: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MAY 10 THROUGH 16, 2010, AS NATIONAL TRAVEL AND TOURISM WEEK IN THE CITY OF NORMAN.
  - INFORMATION: Mr. Stephen Koranda, Director of the Norman Convention and Visitors Bureau, has requested a proclamation proclaiming the week of May 10 through 16, 2010, as National Travel and Tourism Week in the City of Norman. The above-described proclamation has been drawn and is submitted for City Council's consideration. A copy of the proclamation is included in the Agenda Book.
  - ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-0910-28 proclaiming the week of May 10 through 16, 2010, as National Travel and Tourism Week in the City of Norman and direct the filing thereof.

ACTION TAKEN:	<b>X</b>

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MAY 10 THROUGH 16, 2010, AS NATIONAL TRAVEL AND TOURISM WEEK IN THE CITY OF NORMAN.

- § 1. WHEREAS, the Norman Convention and Visitors Bureau and other local organizations in conjunction with the United States Travel Association are celebrating National Travel and Tourism Week during the second week of May; and
- § 2. WHEREAS, meetings, events, and incentive travel are core business functions that help companies strengthen business relationships, align and educate employees and customers, and reward business performance; and
- § 3. WHEREAS, the United States Congress passed and the President signed into law, the Travel Promotion Act, creating a new, nationally coordinated communications and promotions program to attract millions of new international visitors and create thousands of new U.S. jobs; and
- § 4. WHEREAS, Oklahoma domestic tourism generals \$6.1 billion in annual traveler expenditures making tourism the third largest industry in Oklahoma; and
- § 5. WHEREAS, Cleveland County posted \$209.4 million in domestic expenditures to rank third in domestic travel impact in Oklahoma, generating \$27 million in payroll as well as 1,900 jobs within the county; and
- § 6. WHEREAS, 76,200 jobs are secured by Oklahoma tourism, supporting the economies of all 77 counties in Oklahoma; and
- § 7. WHEREAS, Oklahoma tourism travelers account for more than \$953.3 million in federal, state, and local economy tax revenues; and
- § 8. WHEREAS, travel contributes to quality of life, professional advancement, education, cultural understanding, and the enhancement of America's image around the world.

#### NOW, THEREFORE, I, MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

§ 9. Do hereby proclaim the week of May 10 through 16, 2010, as National Travel and Tourism Week in the City of Norman and encourage all citizens, businesses, public and private agencies, media, and religious and educational industries to support and participate in National Travel and Tourism week.

PASSED A	AND APPROVED this 11th day of 1	May, 2010.	
	ATTEST:	Mayor	
CRIMAN EDICATION OF THE PROPERTY OF THE PROPER	City Clerk		

31. ITEM: RESOLUTION NO. R-0910-111: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING AND CONFIRMING FINAL COSTS ASSOCIATED WITH IMPROVEMENTS TO ROBINSON STREET, AN ARTERIAL ROAD, FROM 400 FEET WEST OF 48TH AVENUE N.W. TO 935 FEET EAST OF BROOKDALE DRIVE AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO RELEASE PROPERTIES AS ASSESSMENTS ARE PAID.

INFORMATION: City Council, in its meeting of May 11, 2004, adopted Resolution No. R-0304-108 declaring a recoupment project for costs associated with improvements to Robinson Street from 400 feet west of 48th Avenue N.W. to 935 feet east of Brookdale Drive and approved Contract No. K-0304-165 with ODOT for Federal-Aid Project No. STP-114B(408)AG, State Job No. 18206(04), for the Robinson Street Widening Project between Brookhaven Boulevard and 48th Avenue N.W. The project is now complete and final costs associated with the improvements were submitted for City Council's consideration on April 27, 2010, and City Council postponed Resolution No. R-0910-111 until May 11, 2010. Copies of an advisory memorandum, resolution, location map, property and ownership list, and pertinent excerpts from City Council minutes are included in the Agenda Book.

ACTION NEEDED:	Motion to adopt or reject Resolution No. R-0910-111.
ACTION TAKEN:	



Date:

April 28, 2010

To:

Honorable Mayor and City Councilmembers

From:

John Clink, Capital Projects Engineer

Subject:

Agenda Item- Consideration of Resolution No. R-0910-111 declaring the final cost for the Robinson Street Widening between Brookhaven Boulevard and

48<sup>th</sup> Street NW Recoupment Project

### **BACKGROUND:**

On May 11, 2004, City Council adopted Resolution R-0304-108 and approved Contract K-0304-165 for the construction of the West Robinson Street Widening Project. On June 8, 2004, Council adopted resolution R-0304-113 declaring parts of Robinson Street Widening Project a recoupment project. Construction began on the West Robinson Street Widening Project in November 2004 and it was completed in March 2006.

The project provided for the widening of Robinson Street from two lanes to four lanes between 48th Avenue NW and Brookhaven Boulevard. A grant of federal transportation funds provided by the Oklahoma Department of Transportation (ODOT) and the Association of Central Oklahoma Governments (ACOG) paid for 80 percent of the construction costs on the project. The City's share of the project paid for land acquisition, utility relocation, design services and 20 percent of the construction costs.

City Council tabled this item on April 27, 2010 to allow staff additional time to clarify the lot-by-lot recoupment cost assessment.

#### **DISCUSSION:**

Under the provisions of the Recoupment Ordinance, Ordinance No. 0-9697-31, the adjacent property owners are responsible for their proportionate share of the City's actual cost of constructing a recoupment project. Their portion of the cost is calculated as a ratio of their properties frontage along the project divided by the total frontage on the project, which includes both sides of the street. Costs paid by General Obligation Bonds or other governmental entities are to be deducted in determining total cost, except right-of-way costs are charged back specifically to the property attributable to the cost, regardless of funding source. Since the actual cost cannot be known until the project has been completed, the process requires two (2) resolutions. The first resolution, R-0304-113 put the property owners and the title companies on notice that a recoupment against the property will be made. The second establishes the beginning amount of the recoupment, which is the actual cost less any non-recoupable expenses plus a 2% administration fee. An inflation/deflation adjustment is also applied. The yearly inflation adjustment percentage calculated per Section 16-603 (d) (3) of the City Ordinance for this recoupment project is 3.41% and will be applied to the cost until funds are paid back or the obligation expires.

The right-of-way acquisition and utility relocation activities are complete and on December 22, 2009, the City paid the final construction invoice from the Oklahoma Department of

Transportation (ODOT) so the final recoupment costs can now be determined. See the recoupment construction cost table below.

#### Recoupment Construction Cost Table

Activity	Cost
Utility	\$59,275.11
Construction	\$495,474.17 <sup>(1)</sup>
Total	\$554,749.28 <sup>(2)</sup>
Project Frontage Length	8,900 feet
Cost per foot of Frontage	\$62.3314

<sup>(1)</sup> The City's portion of the construction cost is \$660,474.17, which included a non-recoupable \$165,000 utility delay claim from ODOT's contractor. The utility delay claim is not recoupable since the developer would not have paid a utility delay claim. This cost was removed from the recoupment cost calculation.

The calculated recoupment cost for each parcel is shown in the recoupment cost table below.

Parcel	Frontage	Construction	R/W Cost	2% Admin	Total
No.	Length	Cost		Fee	
1	350.00 FT	\$62.3314/FT	\$4,750.00 <sup>(4)</sup>	\$531.31	\$27,097.30
2	367.46 FT	\$58.0856/FT <sup>(3)</sup>	Donated	\$426.88	\$21,771.02
3	466.70 FT	\$62.3314/FT	\$32,120.00 <sup>(5)</sup>	\$1,224.19	\$62,434.25
4	406.95 FT	\$62.3314/FT	Donated	\$507.30	\$25,873.06

<sup>4 400.93</sup> F1 \$02.3314/F1 Dollated \$307.30 \$23,873.00 Owner paid recoupment fee in June 2006, which was prior to receiving final construction cost from ODOT.

The affected property owners are not required to pay their recoupment amount until they proceed with the development of their property. Since the application of the inflation factor depends on when the property owner pays their recoupment cost, this cost is calculated when they plat their property. The cost specific to each parcel is shown in the second Resolution R-0910-111, Exhibit B (enclosed). Parcel No. 2 has platted and the developers paid their respective recoupment costs.

#### **RECOMMENDATION:**

Staff recommends approval of Resolution No R-0910-111.

Reviewed by: Shawn O'Leary, Director of Public Works Jeff Bryant, City Attorney 31 Steve Lewis City Manager

<sup>(2)</sup> Right-of-way costs are not included since they are charged back specifically to the property attributable to the cost.

<sup>(4)</sup> Owner donated right-of-way but was paid for damages.

<sup>(5)</sup> The City paid \$27,770 for 7,934 square feet of roadway easement plus \$4,350 in damages.

# Resolution

R-0910-111

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING AND CONFIRMING FINAL COSTS ASSOCIATED WITH IMPROVEMENTS TO ROBINSON STREET, AN ARTERIAL ROAD, FROM 400 FEET WEST OF 48TH AVENUE N.W. TO 935 FEET EAST OF BROOKDALE DRIVE AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO RELEASE PROPERTIES AS ASSESSMENTS ARE PAID.

- § 1. WHEREAS, the City Council of the City of Norman, Oklahoma, in its meeting of June 8, 2004, adopted Resolution No. R-0304-113 declaring a recoupment project for costs associated with improvement to Robinson Street; and
- § 2. WHEREAS, Sections 16-601 through 16-603 of Article VI, Chapter 16, of the Code of the City of Norman, provide for public improvements to streets, curbs, driveways and intersections, and
- § 3. WHEREAS, such improvements have been made and final costs for the project have been prepared.

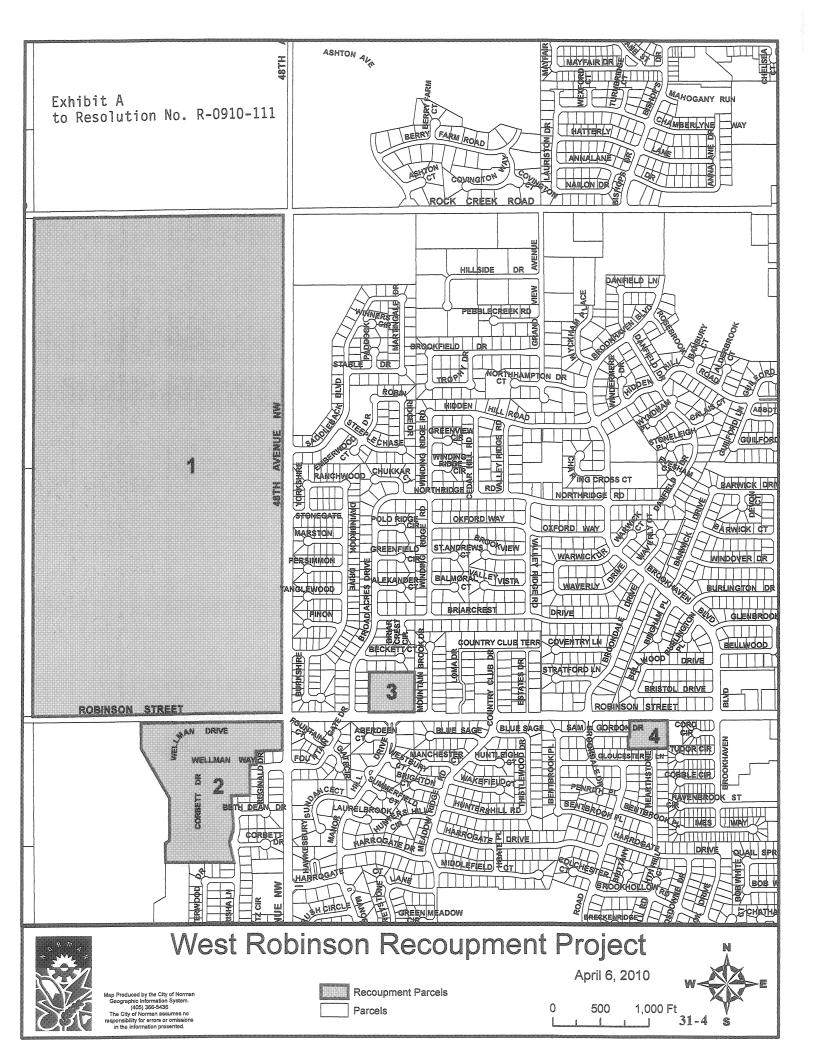
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- § 4. That a final cost associated with improvements to Robinson Street, an arterial road, from 400 feet west of 48th Avenue N.W. to 935 feet east of Brookdale Drive declared a recoupment project in Resolution No. R-0304-113 adopted by the City Council on June 8, 2004, as more particularly described and defined in Exhibits "A" and "B" attached hereto and made a part hereof.
- § 5. Further, that the City has delineated the boundaries as shown in Exhibit "A," the map, and the final recoupment costs of the project as shown in Exhibit "B," the list, prepared and made a part of this declaration, which together show all abutting properties subject to recoupment, to be filed of record in the office of the City Clerk and in the office of the County Clerk of Cleveland County giving notice of this recoupment project, all pursuant to Sections 16-601 through 16-603 of Article VI, Chapter 16, of the Code of the City of Norman.
- § 6. Further, that this resolution does certify full and final costs of the completed project and does therefore supersede the cost estimates set forth in Resolution No. R-0304-113.
- Further, that the obligations established by the original Resolution No. R-0304-113 adopted by the Council on June 8, 2004, has been fulfilled, and hereby released.
- § 8. Further, that the Director of Public Works, or his designee, be authorized to release and remove from the recoupment project under this resolution as their obligations have been fulfilled.

PASSED AND ADOPTED THIS 11th day of May, 2010.

ATTEST:	Mayor	
		`
City Clerk		





List of Properties Included in Robinson Street Widening Recoupment Project  $48^{\rm th}$  Avenue NW to Brookhaven Blvd.

Recoupment Amount	\$27,097.30	\$0 (Paid Recoupment Cost)		
Legal Description	E1/2 Section 21-T9N-R3W in Cleveland County, Oklahoma; containing 320 acres, more or less.	Part of the Northeast Quarter (NE/4) of Section Twenty-eight (28),  Township Nine (9) North, Range Three (3) West of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described As follows: BEGINNING at a point being the Northeast Corner of said NE/4 of Section 28; thence S 0°13′17″ E a distance of 1480.44 feet to a point; thence S 99°46′43″ W a distance of 193.83 feet to a point; thence S 01°49′26″ W a distance of 193.83 feet to a point; thence S 01°49′26″ W a distance of 386.91 feet to a point; thence N 89°46′43″ E a distance of 380.00 feet to a point; thence S 0° 13′17″ E a distance of 575.00 feet to a point; thence S 9°55′06″ Wa distance of 1520.00 feet to a point; thence North a distance of 140.00 feet to a point; thence North a distance of 140.00 feet to a point; thence N 60°00′00″ E a distance of 140.00 feet to a point; thence north a distance of 570.00 feet to a point; thence North a distance of 60.00 feet to a point; thence North a distance of 600.00 feet to a point; thence North a distance of 1550.70 feet to a point; thence N 89°59′50″ E a distance of 15515.37 feet to the point of beginning, less Arbor Lake Addition and Arbor Lake Addition Sections 2, 3 and 4. Containing 33.33 acres more or less.		
Owner	J & J Properties, L.L.C. P. O. Box 720420 Norman, OK 73070	Arbor Lakes, L.L.C. c/o Bill Tucker 730 Asp Avenue, Suite 103 Norman, Oklahoma 73069		
Parcel Number	1	2		

Resolution No. R-0910-111

\$62,434.25	\$25,873.06
	Part of the Northeast Quarter (NE/4) of Section Twenty-Seven (27), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma; Beginning at the Northeast Corner of said Northeast Quarter; Thence S 89°52'07" W a distance of 1306.84 feet; Thence S 00°18'46" E a distance of 33 feet to the point of beginning; Thence S 00°18'46" E a distance of 5.15 feet; Thence S 89°52'07" W a distance of 175.00 feet; Thence S 00°18'46" E a distance of 5.15 feet; Thence S 89°52'07" W a distance of 250.00 feet; Thence N 00°18'46" a distance of 125.00 feet; Thence N 89°52'07" E a distance of 17.44 feet; thence N 00°07'53" W a distance of 192.00 feet; thence N 89°52'07" E a distance of 406.95 feet to the point of beginning, being 2.992854 acres, more or less.
Michael O. Carson, Trustee of the Michael O. Carson 1999 Trust under Agreement dated January 13, 1999 and Edna L. Carson, Trustee of the Edna L. Carson 1999 Trust under Agreement dated January 13, 1999 4501 W. Robinson Norman, OK 73072	Cies, LLC 1203 Brookhaven Blvd Norman, OK 73072
ო .	4

- 32. ITEM: RESOLUTION NO. R-0910-95: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-0910-7, SO AS TO PLACE PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE MEDIUM DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION, OF SAID CITY. (2525 EAST LINDSEY STREET)
  - INFORMATION: Planning Commission, in its meeting of March 11, 2010, held a public hearing on the following item and received 5.2% filed protest regarding the subsequent rezoning Ordinance No. O-0910-24:

MISSION NORMAN, INC.: Requests amendment of the NORMAN 2025 Land Use and Transportation Plan, from the Low Density Residential Designation to Medium Density Residential Designation for a 5.77 acre tract of land located at 2525 East Lindsey Street.

Planning Commission, by a vote of 9-0, recommends approval of the requested amendment. City Council, in its meeting of April 27, 2010, postponed Resolution No. R-0910-95 until May 11, 2010. The above-described resolution has been drawn and is submitted for City Council's consideration. Copies of an advisory memorandum; resolution; location map; Staff Report recommending approval; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-0910-95, Land Use Plan Amendment No. LUP-0910-7; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

ACTION TAKEN:	<b>'</b>



DATE:

March 29, 2010

TO:

Honorable Mayor and Councilmembers

FROM:

Doug Koscinski, AICP D2K

Manager, Current Planning Division

**SUBJECT:** 

First Reading:

April 13, 2010

Second Reading:

April 27, 2010

Agenda Item: Resolution No. R-0910-95: Mission Norman, Inc. requests amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-0910-7) from Low Density Residential Designation to Medium Density Residential Designation on property located at 2525 E. Lindsey

Street.

Agenda Item: Ordinance No. O-0910-24: Mission Norman, Inc. requests rezoning from A-2, Rural Agricultural District, to PUD, Planned Unit

Development, for property located at 2525 E. Lindsey Street

**BACKGROUND**. This proposal involves three related uses on the same property. The principal use/structure will be a multi-purpose building housing a typical church and will include a fellowship hall, kitchen, dining room, and administrative areas. The building will also house a food pantry, which is a component of the mission of this group. A large barn would be constructed, and will be used for storage of donations, maintenance equipment for the lot, and will incorporate a greenhouse which will grow additional plants to be used on the property. In addition, five residential buildings will be constructed with four units in each building (a total twenty units). Sixteen units would be two-bedroom units, with the remaining four units having three bedrooms each.

<u>DISCUSSION</u>: Because of the multi-family residential component of this request, the request includes an amendment to the 2025 Land Use Plan to Medium Density Residential Designation. The actual density that is proposed is only 3.5 dwelling units per acre, approximately the same as typical single-family development. A Planned Unit Development is the zoning vehicle that is chosen to deal with the various components of this request. A pipeline bisects the property and additional setbacks were required of all structures proposed on the lot. The Site Plan reflects all of the proposed uses and required parking. There are other churches near this location, and the proposed additional uses will probably result in some additional traffic, given the day to day operation that is proposed. Overall, the church can provide a good transition between the proposed commercial uses that could be built at the intersection of Lindsey Street and 24<sup>th</sup> Avenue SE and the lower density residential uses that are programmed further east.

STAFF RECOMMENDATION: One filed protest was received, representing 0.33% of the notification area. Staff initially made no recommendation on this rezoning request because we had no information regarding the proposed operation. In response, Gene Barnes, the director of Mission Norman, prepared an operating statement titled *Mission Norman Transitional Home for Families with Children*, which is attached, outlining the program and its requirements. The PUD also lacked a phasing plan, which Mr. Barnes clarified at the public hearing. His intention is to build one of the apartment buildings first, so they can gain experience dealing with the problems homeless families encounter. In his testimony, he also stated that there would not be on-site live-in staff. At their meeting of March 11, 2010, the Planning Commission, by a vote of 9-0, supported this request and recommended adoption of Resolution No. R-0910-95 and Ordinance No. O-0910-24. Staff submits this resolution and ordinance for City Council's consideration and action.

DJK:rnt

Reviewed by:

Susan Connors, Director of Planning 5

& Community Development

Jeff Bryant, City Attorney 4 For July

Steve Lewis, City Manager

Attachments:

Resolution No. R-0910-95

Location Map Staff Report

Ordinance No. O-0910-24

Staff Report Location Map

Operating Statement from Gene (Lawrence) Barnes

**PUD Narrative** 

Master Development Plan Renderings of Project

Protest Area Map and Protest Letter Planning Commission Minutes Pre-Development Meeting Summary

## Resolution

R-0910-95 LUP-0910-7

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-0910-7, SO AS TO PLACE PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE MEDIUM DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (2525 EAST LINDSEY STREET)

- § 1. WHEREAS, the Council of the City of Norman recognizes citizens' concerns about the future development of Norman; and
- § 2. WHEREAS, the City Council at its meeting of December 19, 2004, reviewed and adopted the NORMAN 2025 Land Use and Transportation Plan; and
- § 3. WHEREAS, Mission Norman, Inc., has requested that the following described property be moved from the Low Density Residential Designation and placed in the Medium Density Residential Designation of the NORMAN 2025 Land Use and Transportation Plan, to wit:

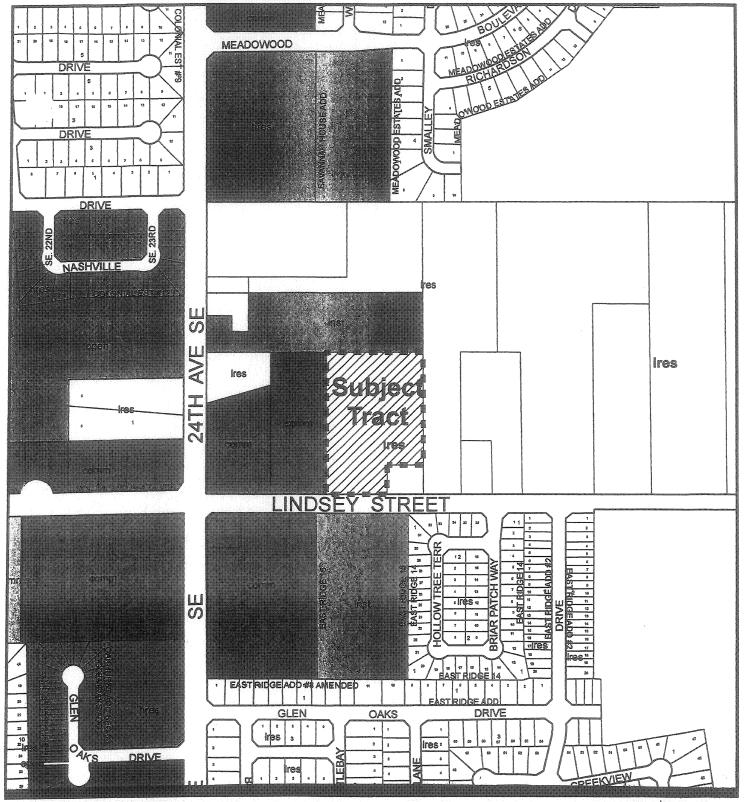
Part of the Southwest Quarter of the Southwest Quarter of Section 34, Township 9 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows: Beginning at the Southwest Corner of Section 34, Thence N89°58'E a distance of 570.00 feet for a Point of Beginning; Thence N00°25'W a distance of 660.00 feet; Thence N89°58'E a distance of 420.376 feet; Thence S00°25'E a distance of 497.40 feet; Thence S89°58W a distance of 259.00 feet to the Point of Beginning. Said tract contains 5.77 acres, more or less.

## NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration, has determined that the requested amendment is compatible with the adopted NORMAN 2025 Land Use and Transportation Plan and does hereby approve the requested amendment.

PASSED :	and ADOPTED	this	day of	_, 2010.	
		٠.			•
	ATTEST:		•	Mayor	•
ON EDIS	City Clerk				





PROPOSED NORMAN 2025 LAND USE PLAN AMENDMENT – RESOLUTION NO. R-0910-95

PPLICANT:

Mission Norman, Inc.

REQUEST:

Amendment of the NORMAN 2025 Land Use and Transportation Plan from Low

Density Residential Designation to Medium Density Residential Designation 32-4

RESOLUTION NO. R-0910-95 LUP-0910-7 ITEM NO. 7a

### **STAFF REPORT**

ITEM: Mission Norman, Inc. requests amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-0910-7) from Low Density Residential Designation to Medium Density Residential Designation on property located at 2525 E. Lindsey Street.

SUMMARY OF REQUEST: The applicant hopes to develop a religious-based outreach program that addresses the physical and spiritual needs of families by providing a facility that will be used for church services as well as providing food and care to needy families. The applicant also intends to develop housing units on the same site that will allow families to temporarily live within the complex before transitioning into the community. Because of the housing component, they have requested that the 2025 Plan be amended to Medium Density Residential Designation to allow for some multi-family use on the property as well as the church use.

STAFF ANALYSIS: This tract abuts other church uses to the north and south which are designated for Institutional Use on the 2025 Plan. To the west of this tract are vacant parcels that are designated for Commercial Use. As proposed, this tract would become a transition from the commercial uses anticipated at the corner of Lindsey Street and 24<sup>th</sup> Avenue to the lower density residential uses that will someday develop further east. Portions of East Ridge Addition already exist on the south side of Lindsey Street.

STAFF RECOMMENDATION: Staff tentatively supports this request to amend the 2025 Plan, as the proposed uses can provide a buffer between future commercial uses and lower density residential uses further east, but the lack of operational details in the specific rezoning request which follows this item do not allow for an adequate evaluation of impacts. The proposed church and residential uses would be compatible with church use north and south of this request. The accompanying rezoning request to a Planned Unit Development designation will help ensure precisely what is developed on the site. Staff recommends approval of Resolution R-0910-95, on the assumption that a church with some housing would not be incompatible with proposed nearby uses.

Item No. 7, being:

CONSIDERATION OF A REQUEST SUBMITTED BY MISSION NORMAN, INC. FOR A TRACT OF LAND GENERALLY LOCATED AT 2525 E. LINDSEY STREET.

7A. RESOLUTION NO. R-0910-95 - MISSION NORMAN, INC. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-0910-7) FROM LOW DENSITY RESIDENTIAL DESIGNATION TO MEDIUM DENSITY RESIDENTIAL DESIGNATION ON PROPERTY LOCATED AT 2525 E. LINDSEY STREET.

#### ITEMS SUBMITTED FOR THE RECORD:

- 1. Location Map
- 2. Staff Report
- 7B. ORDINANCE NO. O-0910-24 MISSION NORMAN, INC. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY LOCATED AT 2525 E. LINDSEY STREET.

#### ITEMS SUBMITTED FOR THE RECORD:

- 1. Location Map
- 2. Staff Report
- 3. PUD Narrative
- 4. Preliminary Plat
- 5. Master Development Plan
- 6. Renderings of Proposed Buildings
- 7c. Consideration of a Preliminary Plat submitted by Mission Norman, Inc. (JTK Engineering Co.) for <u>MISSION NORMAN ADDITION</u>, A Planned Unit Development, located at 2525 E. Lindsey Street.

#### ITEMS SUBMITTED FOR THE RECORD:

- 1. Location Map
- 2. Preliminary Plat
- 3. Staff Report
- 4. Master Development Plan

## PRESENTATION BY STAFF:

1. Doug Koscinski reported that the tract is located a few hundred feet east of the intersection of 24<sup>th</sup> Avenue S.E. and Lindsey Street. Mission Norman currently has a small home on the site that they have converted to church uses. What they're proposing tonight goes far beyond a small church house. There is a NORMAN 2025 Plan amendment to deal with the housing issue, a rezoning request, and a preliminary plat to deal with the development of the property. The request is for residential use. The rezoning would be from A-2 to a Planned Unit Development. There are several pieces to the proposal, and a PUD completely addresses those better than a standard zoning would. The parcel is surrounded by agricultural zoning, except for the church

across the street which is located in a commercial zone. The tract is fairly large and not much used at present. The property to the west is currently vacant. There is another church located to the north of the site. There is a single-family home to the east. There is a pipeline that impacts the site. Staff recommended tentative approval of the NORMAN 2025 Plan change, but has been unable to make a firm recommendation on the rezoning. The plat conforms, and would follow whatever recommendation the Planning Commission makes with the zoning. Staff is a little concerned about how this development will be implemented. A protest was received from a property owner to the north of the other church, which represents 0.33% of the notification area.

- 2. Curtis McCarty asked for elaboration on staff's concerns. Doug Koscinski responded that two inter-related concerns are how the project will operate and how it will be phased in. It is a large project, with a number of apartments, and a fairly substantial church. There is nothing in the PUD narrative that explains whether it will all be built at once or whether it will be phased, or how it will operate. It is a gated community for the back half, which is complicated to enforce in a rental circumstance.
- 3. Jim Gasaway asked about the barn. Doug Koscinski said the applicant has indicated that the barn will be masonry construction, so it will be a compliant building.
- 4. Tom Knotts asked about the timing for widening 24<sup>th</sup> Avenue S.E. from Lindsey Street to Robinson Street. Doug Koscinski responded that he didn't know the answer, but thinks it may be in the five-year plan. Tom Knotts noted that the intersections have been improved and the utilities have been moved, so it looks like the widening is imminent.
- 5. Diana Hartley commented that the protest letter is really concerned with increased traffic congestion. Doug Koscinski responded that a very small house is going to become a very large church with approximately 20 apartments. Traffic will increase; raw land going to any use increases traffic. He doesn't believe there were any identifiable traffic problems that the TIA highlighted that couldn't be addressed.

There being no further questions for staff, Chairman Trachtenberg asked for a presentation from the applicant.

### PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – I brought friends tonight. Look at all these wonderful people here from Mission Norman. They're here in support of this wonderful project. I thought it was appropriate that you had a great meal just a short time ago tonight – a nice potluck that you had for your study session. The people behind me work very hard to make sure that many people have a meal every night, and that's really the focus of their work. I'll take you through this project and hopefully answer many of your questions. There are many people here that are well-versed to discuss the operational aspects and we'll do that as well.

There are basically two parts to this project. It is a church – a worship hall, and then it is apartments – duplexes or four-plexes. This Mission, in essence, is to be a worship center and also a mission center for a food pantry and transitional families – not necessarily a homeless shelter in the sense that you would normally think of it. These are apartments that families would live in for up to two years with children – they must have children, and they would sign a lease. In that time period they are counseled. We'll get more into that in just a little bit.

Let me take you through the project itself. You saw Mr. Koscinski describe it to you. There is a little house on the corner of the site. The site is about five and a half acres. To the north is the blue institutional of the church, and to the south is the blue institutional of another church. To the left you see the intersection of 24th Avenue S.E. and Lindsey Street. This would front directly on Lindsey Street. The compatibilities are quite strong – you see the churches to the north and south. We're immediately adjacent to both of those. To the west is commercial which, of course, can accommodate a fairly large use next to it. In a minute I'm going to show you there's residential to the east, but what we are putting on the east side of the site is residential. We're abutting residential to residential. The current zoning is A-2, Rural Agricultural, as so many of the parcels are on the periphery of Norman. To the south is the First Assembly of God; to the north is the Pentecostal Church of God. An aerial photo of the site shows that it is flat and relatively unimproved, except for the house on the southwest corner.

The site plan is fairly straight forward, but it has some features that were very intentional in trying to make sure that this particular use is well-done and of low impact to the neighborhood. The first thing I want you to notice is that it is set back a long way. Mr. Koscinski mentioned that as to the church across the street. We have done the same thing. We're set back approximately 210 feet from the property line off of Lindsey Street. Of course, in a zoning like this, typically a building setback could be as much as 25 feet or so; we're much father back than what you would normally see in a traditional setback line. In addition, we have this gated area in the back. It's gated for a reason and it's fenced for a reason. It's fenced for security of the citizens that will live there and the residents, and it's fenced for reasons that we want to contain this use in the back of the site off of Lindsey Street. That's of great benefit to the concerns of the City and of any other concerns that anyone might have. Within the site you see the orange buildings are the residential structures. As I mentioned earlier, to the east is going to remain residential, so we are putting residential right along the side of that east. These are four-plexes. They are basically living units of apartments with kitchens and bedrooms; four families. We're not talking about a dormitory. We're not talking about dormitories of beds for people to just show up at night and find a place to sleep. This is a living arrangement of apartments under a signed lease. You see on the left is the main church building. I must take some exception to suggesting that this is a very large church; it really is not a very large church. On the lower right is the barn facility; it's not really a barn, but is more of a storage facility. As you drive along Lindsey Street you probably would not even notice this facility very much. You certainly wouldn't notice the residential quarters in the back, as they will be tucked far back away from the front of the site. On the upper right are two-bedroom four-plexes. On the upper left is a three-bedroom four-plex. The barn would be for storage of their donations and their

vehicles, as well as a greenhouse. The main building would be a worship center, administration, a food pantry, and a small clinic, and some ancillary uses.

The preliminary plat is simply one lot. There is a pipeline going through the site and we have given broad deference to the pipeline with nothing near it. There is a 50' dedicated easement with nothing crossing it but pavement at a few locations. The worship center will have more brick and have a more updated appearance than the church across the street to the south.

We are not directly on a bus route, but we are 0.6 miles from a bus stop, which is within a 10 to 15 minute walk, immediately to the west down Lindsey Street. Very few people actually live directly next to a bus stop.

This is basically a transitional home for families with children. I saw a report the other day that Mission Norman folks believe there are probably 49 or 50 homeless families with children; this would accommodate 20 of them. This is like the NEDC Etech for a family. Etech has the same concept – we start the business, we put them in a place where they can be counseled and sheltered, and then they're encouraged and really pushed to move on into their own setting. That's what this is for a family. This is a family situation where they sign a lease for up to two years, they're counseled for employment, resumes, finances, and many other ways. Then they have to pay rent once they obtain employment, they have to pay utilities, and they have to enter into a savings plan – all very important aspects of developing a good family situation. Guests have to be added to a guest list before they can come onto the site. Sometimes there are stressful situations with transitional families; we want to make sure they are protected and everyone else is protected from that situation.

I want to quote a couple of things from the staff report. The staff report on 2025 says: "The proposed church and residential uses would be compatible with church use north and south of this request. The accompanying rezoning request to a Planned Unit Development designation will help ensure precisely what is developed on this site. Staff recommends approval of Resolution on the assumption that a church with some housing would not be incompatible with proposed nearby uses." Then within the report it stated: "The proposed twenty residential units represents an average density of less than 3.5 DU per acre, approximately the same as typical single-family developments, and thus should have limited practical impact." In fact, our building coverage on this site is 6%. The entire open space area is 54%. It is a large site; we haven't over-used it. We have a large site for a good reason, in that we have a use that needs that large site and can be buffered very well with open space for families and kids. The staff report on the PUD application says: "staff agrees that the best approach to address this concept is a Planned Unit Development." We've given you a Planned Unit Development that very specifically and very adamantly says that is the site plan, that is the type of building, that is the amount of brick, that is the location of those structures, that is the site plan for it, and we are adhering to it; we agree with that. The staff report said that this "PUD will serve as a contract to ensure specifically what can be built as well as the quality of the development." Every PUD does that; this one is no different and we absolutely agree with that. The PUD will rule on this; the site plan will rule; the appearance that you're seeing tonight will rule. It says that we shall "stipulate that the development strictly adhere to the PUD narrative and description of the

project"; we agree absolutely and unconditionally. Mission Norman commits that onsite staff will be required to be in place prior to the occupancy of families in the housing. It is undetermined at this time what will be built first, but we do commit to you that there will be on-site staff before any families occupy the site. Will that on-site staff be in the existing house, maybe; we're not certain yet. We need some flexibility in that regard, just as every development does. But the certainty of protection will be there; that we can assure you.

This is some imagery that was produced for this project. Again, this is exactly as we commit to. I want you to recall the building across the street, which is a metal church building. The church to the rear of us is also a metal building. We believe this structure is as good as any visual of a church that has been built lately, and it is right there on Lindsey Street. This is, in fact, the view from Lindsey Street. You see that fence in the back and you see the gated aspect. So from Lindsey Street, this is what you see. You see a church and a small parking lot. That's the visual imagery that is approaching the public. This is to the rear of the site. These are those residential uses in the back - the four-plexes with the family open spaces in between them for the families that will be using these units. Many open spaces for the children and really quite a quality neighborhood. Typical four-plex for the residential uses in the rear. You see all the brick; a typical residential unit as you would see in Norman in a rental situation. That is, in essence, the project. There are several people here that are willing to speak about the operational aspects, the commitment of this mission, the history of this mission, and the enduring legacy of this mission. I will ask them to come up and speak. I can entertain your questions now or then, and I am open to do so at any time. We ask for your approval tonight.

- 2. Roberta Pailes asked if the existing house will remain. Sean Rieger responded that the final plan is to remove the present house. Roberta Pailes asked about the statement that the on-site staff might live there initially. Sean Rieger said that is where they are right now. That is the location they occupy now. It is undetermined at this point when that would be taken down and the church building would be built. Roberta Pailes asked where the on-site staff will live once the existing house is removed. Sean Rieger said in the main administrative/church building. They don't live there; there's just administrative offices. Roberta Pailes asked about any staff living on-site. Sean Rieger indicated there is no staff living on the site.
- 3. Jerry Wooster, 3844 Apex Court, has been involved with Mission Norman for six years. I have been a commercial real estate broker in Norman and property manager in Norman since about 1982. We have taken care of properties in excess of 1,000 units in any particular year through the late 80s and mostly through the 90s. I've also been a community volunteer. Before Mission Norman, I worked with the Community Services Building and was honored and privileged to be a part of that group before we had a building. There were 3 or 4 of us that met and decided that Norman didn't have a centrally located place for service provision people like Center for Children and Families, the employment folks so we discussed that as a concept for years before we actually got tossed the keys to the veterans center. Three years after that happened, I

helped with the volunteer coordination in working with the state fire marshal and state electrical inspector - all of the volunteers met every Saturday for about two years and most of the contractors, in terms of scheduling and whatever. I share this with you just so that you know that we do have some experience at this and we're not stepping out into an area that is unfamiliar to us. In fact, this would be an area that would be quite familiar to me. Even today, we manage property that is in a gated community. We know what it's like to do that and what's required. There are some challenges and considerations, but they can be very effectively managed. Mission Norman, on a dayto-day basis - this is one of the things that we don't do well, and that's to get the information about what we do out to the general public. We don't have any public funding; we're not required to make any public reports. I had a friend ask me the other day if somebody comes to your mission and wants food, what's the requirement. I was a little puzzled, because really the requirement is that they're poor and they're hungry. We don't have forms for them to fill out; we do counsel everybody that comes in. January of this year 527 heads of family came to the mission for assistance. That represented a little over 1,100 adults and something like 720 children - 1,840 people in the month of January came to the mission for food and were given food. We try to give enough food for each of those persons to have three meals a day for at least seven days during the month. So with 527 families and 1,840 people, 700 of which are children, that represents something less than 20,000 meals, I think. That's a lot of food. And that's pretty much what we do. The real workhorses of the mission sit behind me tonight. These are the folks that are there every day volunteering their time. We have one paid person. We have a small stipend to a college person. Other than that, we're 100% volunteer driven. The last time I looked at our food cost, it was about three cents a meal, and we do that because we get lots of donations and because we don't have any staff that needs to be paid to do those distributions. We all do it just from the heart.

- 4. Sean Rieger noted that the seating in the sanctuary of the church is only 155 seats. We're not talking about a huge church. The facility of the church building is about 18,000 square feet.
- 5. Gene Barnes, 3404 Fireside Street I've been the director since we started back in 1998 with a passion to help folks. We started with a food pantry in one of the apartments entry closet. Then we moved into a church in a larger room, then into another church in a larger room, to where we are now and where we're helping so many people. Sean wanted me to kind of say what I would envision how we can approach this. I'll tell you a little bit of the history. We purchased this land about two years ago. We took a ten year note on it and we were able to pay it off in 13 months. And the land is 100% free and clear. Now what I envision with what we had planned is probably doing all the street widening, all the dirt work, everything that is hidden that we can't see and build Building A and still use the existing home or mission center to counsel the first four residents first four families with children. We will definitely have if we had the families there right now, we could take care of them right now as far as having counselors. As you can see behind me here, we have an ample workforce and they're doing it with very little cost. This young man that Jerry was talking about –

we pay him \$775 a month, no insurance. Last month we helped over 500 families with food, about 100 families with utilities, rent, things like that. We would like to get into the new main building probably the next phase after Building A. I want to build Building A first so that we can have the learning curve. We have never done this before, but I know we can do it. There's no doubt in my mind we can do it. We never fed 500 families before – we can do it. When we started this ministry, I never dreamed it would be growing like it has. When you look at little children – homeless people coming into a mission and they need a place to stay, they're sleeping in cars – it just breaks your heart. We've got to do something. And it needs to be done yesterday, not five years down the road. I hope to have this done, with your approval, and have our first four families living on-site by the end of this year. It can be done. We just need your help. We need your approval. We just need you to go ahead. Say let's help our homeless community in Cleveland County.

- 6. Jim Gasaway asked if they currently feed the families in the existing house. Gene Barnes responded that they converted the two-car garage when they moved in almost three years ago. At that time, they were probably helping 100-125 families a month. It has now increased to over 500 families a month. They actually need the new building now, but they operate on donations, and if they can get people living on the property, they can make it until the end of the year where they presently are with the food pantry.
- 7. Tom Knotts asked if the food source is the Regional Food Bank. Gene Barnes said probably 80% comes from the Regional Food Bank. Schools donate all the time. Other sources include: Boy Scouts, the recent Extreme Home Makeover, sororities and fraternities, Little River Zoo, farmers, churches, Angel Food Ministry, gleaning, and individuals. It takes a lot of food to feed 500 families.
- 8. Diana Hartley asked how many board members there are. Gene Barnes stated that they presently have four board members and one advisory member. They are searching for more board members.
- 9. Diana Hartley asked if they are talking with other organizations that have done something similar in terms of transitional housing for families to help guide them. Gene Barnes indicated they have talked with the City Rescue Mission, East Main Place, Food and Shelter for Friends. They have visited places in Arlington, Texas. They have a pretty good idea of the operation of a homeless shelter. They have never taken care of people, but they know that they can. It's going to be families with children, and he took care of his and all the folks have had families with children and know how to take care of them. They're just going to show them love and compassion and get them back on their feet and let them become taxpayers again.

## PARTICIPATION FROM THE AUDIENCE:

1. Larry Gardner, 11300 Alameda Drive - I'd just like to reinforce the need for this type of facility. A little bit of my history with Mission Norman: Gene and Melinda

Barnes - I think it's fair to say that they just started helping people through their church, and it just grew and grew and grew. I remember Gene would call me sometimes and he would want to borrow me and my pick-up. Little did I know what that entailed. We would drive to Oklahoma City to the food bank and I remember loading the pick-ups down greatly. I'd always tell Gene this is enough and he would say we can get four more boxes on and he would load them up. We would do that probably every two weeks and then we would go to a church. The church I was most familiar with was Brookhaven Baptist Church. They let us have a big room and it was way in the middle of the church so we would have to get a dolly and take every little box back through there. We had three refrigerators and two freezers and we would empty the meat boxes, put them in the freezers and then every single box we would put up on the shelves and then I would always take the boxes to the recycle center. That was my duties for the two weeks. But Gene and Melinda, his wife, would be there every day it seemed like, because he would get calls all sorts of hours and people needing food. I would like that story to emphasize his dedication to make things work right. I've seen it myself. He would take people to the hospitals. He would loan them money for gasoline - I suppose give them money for gasoline. And this is what type of person that's going to run this place. So I would just emphasize to you that he's here and he's dedicated to what he says he's going to do. I guess I'm like a lot of people in Oklahoma - I didn't really think we had a lot of homeless people. I certainly knew we had some needy people, but not near as much as I've seen at Mission Norman. We feed literally hundreds of people a month. And to answer a question, we have this big room full of the goods and the people will come and will load their cars and their pick-ups with food. I think they can get food once every two weeks or something of that nature. But, again, they pay for gasoline for people. They pay utilities. They help with doctor bills, I think, if it's a need. And it's just a tremendous organization and I'm very proud to be associated with them. The goal of Mission Norman is simply to expand on the need. This situation is not going to go away in the foreseeable future - I think we all know that. It's going to get worse. There are many organizations in Norman that try to handle this sort of situation, but it's not near enough. I would just encourage you to approve this zoning request and let Mission Norman continue to strive to meet the needs of the community.

2. Mark Campbell, 2821 Julie Avenue – I've been out to Mission Norman; they were closed. I got a referral out there for food. I had missed my Thanksgiving and Christmas baskets and was really low on food. But I did walk the current grounds that they have out there with my little dog. I think there was a little hog barn and it looked kind of squattery. And so I would like to see the land approved. I do have a concern about it being gated and being a little bit off the beaten path. I haven't heard much about the philosophy of the agency as far as the religious aspect goes. I think the audience here tonight seems very homogenous. I can't think of any other way to state my concern, but I would be concerned that it doesn't turn into a compound. I don't know that we have anything in Norman that is a church-run 20-resident facility. Is this a precedent? Do we have anything like this, where there's a church-run 20 residences? I mean, it does kind of remind me a little bit, maybe, of Waco or something. I think

those are valid concerns. So I would like to know, especially, it says Mission Norman so I'm assuming it's evangelical. That's the notion that I got from the note on the door the day that it was closed when I went for food. And I can also tell you from personal experience – I do live below the level of poverty and I go to agencies when I need help, and some agencies are helpful and some agencies kind of make you feel bad for needing help and kind of imply that you're not imploring the Lord enough. One time I needed gas money to go to Oklahoma City – I was getting my tooth fixed at the Health Sciences Center and I needed gas and this one pastor was just really obdurate. I just ended up not going rather than humiliating myself over why I needed gas money. I would like to hear a little bit more about the philosophy, who they accept in, that kind of thing.

Chairman Trachtenberg asked if anyone else in the audience wished to speak on this item. There being none, he turned to the Planning Commission for discussion.

#### DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

- 1. Chris Lewis asked about the gated aspect of the compound, and whether residents would be able to come and go as they please. Gene Barnes said the reason it is going to be gated is for the protection of the residents. They will be able to come and go as they please, but people that don't have a need to be back there won't be able to be back there. Visitors will have to be signed in 48 hours in advance so they can be checked out. He is hoping that won't be a problem. Sometimes there are drugs and other things going on, and they will have no tolerance for that. Residents will have to be drug tested, and there might be surprise drug tests. No smoking will be allowed, not only for health reasons, but for safety. He indicated that they will provide gasoline money for doctor appointments or for job interviews.
- 2. Zev Trachtenberg asked whether there will be regular Sunday services at the church. Gene Barnes indicated that they already hold services at their current facility at 3:00 p.m. every Sunday. They also will do weddings and everything a normal church does. Zev Trachtenberg asked if they anticipate increased attendance because of a developing congregation. Gene Barnes said they are hoping that the residents that live there will come. The seating capacity will be 155. The 20 families could generate 110 people, and they currently have up to 35 people attending. Zev Trachtenberg asked if the residents will be required to attend services. Gene Barnes said they will not require attendance, but they will welcome them and encourage them to come. There will be absolutely no discrimination because of race or religion.
- 3. Jim Gasaway asked about the parking requirement for a church that seats 155. Doug Koscinski indicated they are required to have 40 parking spaces.
- 4. Zev Trachtenberg commented that the housing of families will represent a pretty significant extension of the organization's efforts. He asked the plan to develop the capacity to deal with the sorts of problems that may come up in dealing with families living in the facility. Gene Barnes read from a document outlining their housing requirements and expectations. They have already prepared a "Mission Norman"

Housing Program Handbook," and a "Mission Norman Housing Program Client Assessment."

Zev Trachtenberg commented that he thinks the guidelines that have been established for the clients are exemplary. His question was more about the staff and how they will be trained to deal with the residents. Gene Barnes responded that as soon as this program is approved they will have people intern at other agencies, such as East Main Place, the City Rescue Mission, and other places like that.

- 5. Zev Trachtenberg asked about liability for the organization. Sean Rieger indicated that the organization takes on that duty when they provide those services. Diana Hartley indicated that the board members will be the ones that are liable, and they will want to make sure that they have at least a million dollars in directors and officers liability insurance in place. Gene Barnes indicated they already have that.
- 6. Roberta Pailes asked about provisions for taking care of the landscaping. Sean Rieger indicated that this will be one lot. The barn will have maintenance equipment to take care of the landscaping.
- 7. Paul Minnis asked if there are going to be phones in the residences. There need to be mechanisms for contacting police if necessary. Gene Barnes commented that we live in a culture now where even the homeless people have cell phones. They are interested in the safety of the people that live there.
- 8. Tom Knotts asked about church affiliation. Sean Rieger commented that it would be inappropriate to put mention of a denomination in a zoning and platting action. They are supported by many churches and affiliations throughout the community. Tom Knotts indicated his interest was in whether the group is formed cohesively enough to meet obligations if a major player in the development is unable to continue, and whether there is a succession plan. Sean Rieger noted that one of the things they've tried very hard to do within the PUD proposal is to say that it must be built as it is proposed. Gene Barnes reported that they are a 501(c)(3) and have bylaws to take care of that. If something does happen, the property would go to an agency that provides like services, like East Main Place or Food and Shelter for Friends. They have a succession plan in effect as well.

Paul Minnis moved to recommend adoption of Resolution No. R-0910-95, Ordinance No. O-0910-24, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for <u>MISSION NORMAN ADDITION</u>, A Planned Unit <u>Development</u>, to the City Council. Diana Hartley seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

## NORMAN PLANNING COMMISSION REGULAR SESSION MINUTES March 11, 2010, Page 18

YEAS Diana Hartley, Tom Knotts, Curtis McCarty, Paul

Minnis, Roberta Pailes, Andy Sherrer, Zev

Trachtenberg, Chris Lewis, Jim Gasaway

NAYES None MEMBERS ABSENT None

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-0910-95, Ordinance No. O-0910-24, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for MISSION NORMAN ADDITION, A Planned Unit Development, to the City Council, passed by a vote of 9-0.

\* \* \*

33. ITEM: ORDINANCE NO. O-0910-24: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (2525 EAST LINDSEY STREET)

INFORMATION: Planning Commission, in its meeting of March 11, 2010, held a public hearing and received 5.2% filed protest regarding the following item:

MISSION NORMAN, INC.: Requests rezoning from A-2, Rural Agricultural District, to PUD, Planned Unit Development District, on a 5.77 acre tract of land located at 2525 East Lindsey Street.

Planning Commission, by a vote of 9-0, recommends approval of the requested rezoning; and City Council, in its meeting of April 13, 2010, Introduced and adopted Ordinance No. O-0910-24 upon First Reading by title. City Council, in its meeting of April 27, 2010, postponed Ordinance No. O-0910-24 until May 11, 2010. A Land Use Plan Amendment is required and Resolution No. R-0910-95 is submitted for Council's consideration in the preceding item on this agenda. Copies of the ordinance; site development plan; location map; Staff Report; project description; PUD narrative; preliminary plat; renderings of site; protest area map; letter of protest; petitions of protest; letters of support; and predevelopment summary are included in the Agenda Book. An advisory memorandum and pertinent excerpts from Planning Commission minutes are included in the preceding agenda item.

ACTION NEEDED:	1.	Motion to adopt or reject Ordinance No. O-0910-24 upon Second Reading section by section.
ACTION TAKEN:		
ACTION NEEDED:	2.	Motion to adopt or reject Ordinance No. O-0910-24 upon Final Reading as a whole.
ACTION TAKEN:		

#### O-0910-24

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (2525 E. LINDSEY STREET)

- § 1. WHEREAS, Mission Norman, Inc., the owner of the hereinafter described property, has made application to have the same placed in the PUD, Planned Unit Development District, and to have the same removed from the A-2, Rural Agricultural District; and
- § 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and
- § 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the PUD, Planned Unit Development District, and to remove the same from the A-2, Rural Agricultural District, to wit:

Part of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4) of Section Thirty-four (34), Township Nine (9) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

BEGINNING at the Southwest Corner of Section 34; Thence N89°58'E, a distance of 570.00 feet for a Point of Beginning; Thence N00°25'W, a distance of 660.00 feet; Thence N89°58'E, a distance of 420.36 feet; Thence S00°25'E, a distance of 497.40 feet; Thence S89°58'W, a distance of 161.36 feet; Thence S00°25'E, a distance of 162.60 feet; Thence S89°58'W, a distance of 259.00 feet to the Point of Beginning. Said tract contains 5.77 acres, more or less.

Ordinance	No.	O-0910-24
Page 2		

- § 5. Further, pursuant to the provisions of Section 22:434.1 of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:
  - a. The site shall be developed in accordance with the Site Development Plan (Exhibit A), approved March 11, 2010, and supporting documentation submitted by the applicant and approved by the Planning Commission.
- § 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

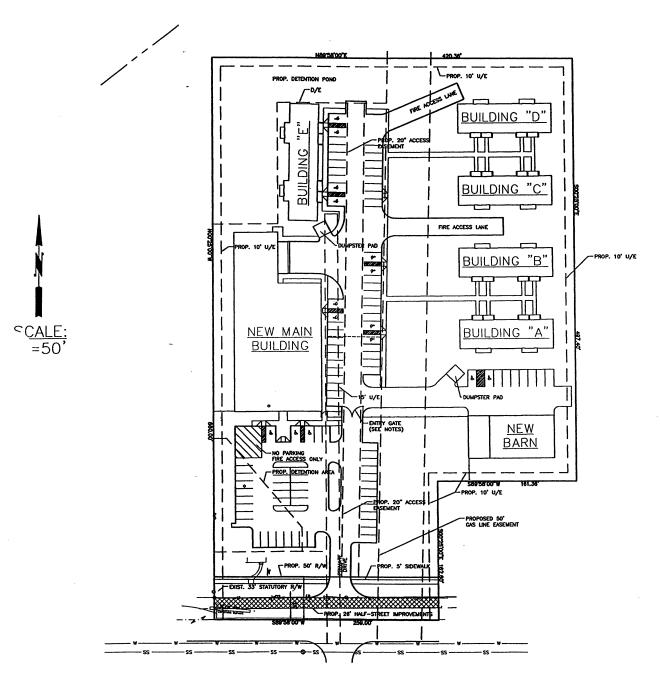
ADOPTED this	day of	NOT ADOPTED this	day of
	, 2010.		, 2010.
(Mayor)		(Mayor)	
ATTEST:			
(City Clerk)			

## MASTER DEVELOPMENT PLAN

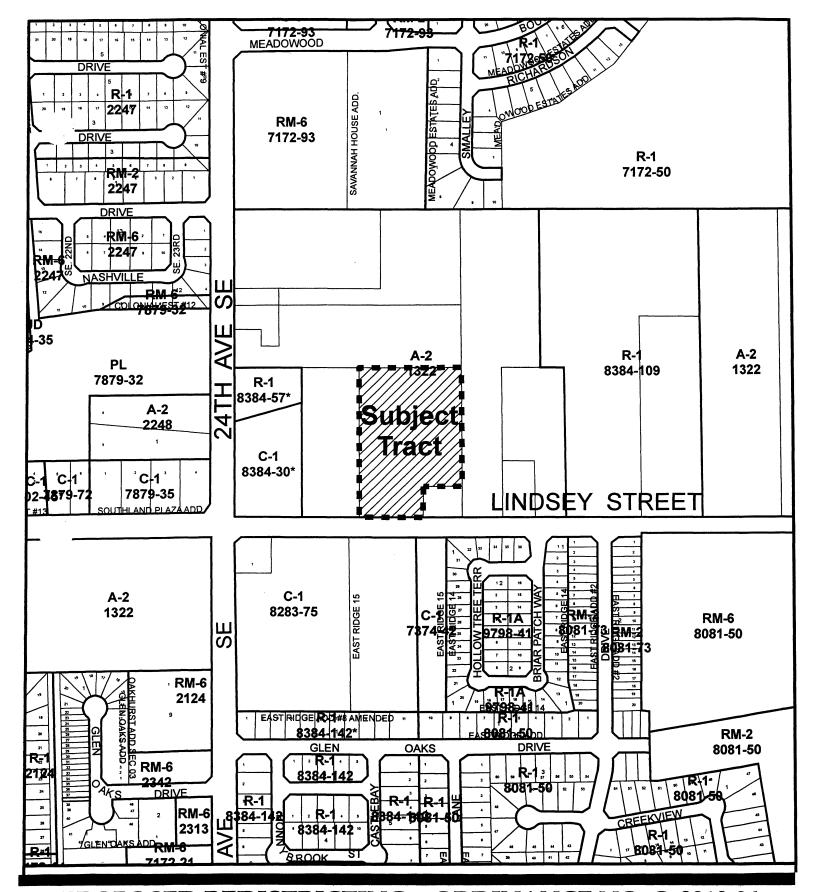
OF

## MISSION NORMAN ADDITION

A PLANNED UNIT DEVELOPMENT BEING A PART OF THE SW/4, SEC. 34, T9N, R2W, I.M. NORMAN, CLEVELAND COUNTY, OKLAHOMA



OWNER/DEVELOPER
Mission Norman, Inc.
2525 E. Lindsey
Norman, OK 73071



PROPOSED REDISTRICTING - ORDINANCE NO. O-0910-24

APPLICANT: Mission Norman, Inc.

REQUEST: Rezoning from A-2, Rural Agricultural District, to PUD, Planned Unit Development

7b-2

33-4

ORDINANCE NO. O-0910-24

ITEM NO. 7b

## **STAFF REPORT**

## **GENERAL INFORMATION**

**APPLICANT** 

Mission Norman, Inc.

REQUESTED ACTION

Rezoning to

PUD,

Planned Unit

Development District

**EXISTING ZONING** 

A-2, Rural Agricultural District

**SURROUNDING ZONING** 

North:

A-2

East:

A-2

South:

C-1

West:

A-2 and C-1

**LOCATION** 

2525 E. Lindsey Street

SIZE

5.77 acres more or less

PURPOSE

Church and transitional housing

EXISTING LAND USE

Single-family residence

SURROUNDING LAND USE

North: Church

East:

Single-Family Dwelling

Journ

South: Church

West:

Vacant

7b-3

Planning Commission Staff Report Ordinance No. O-0910-24 March 11, 2010, page 2

SYNOPSIS: This proposal involves three interrelated uses on the property. The principal use/structure will be a multi-purpose building housing a typical church and fellowship hall, plus kitchen, dining, and administrative areas. The building will also house the food pantry, which is a component of the mission of this group. A large barn would be constructed, and will be used for storage of donations, maintenance equipment for the lot, and will incorporate a greenhouse which will grow additional plants for the property. A total of five residential buildings will be constructed with four units in each building (a total twenty units). Sixteen units would be two-bedroom units, with the remaining four units having three bedrooms each.

## **ANALYSIS:** The particulars of this PUD include:

- 1. USE The principal church building will be located towards the front of the lot, behind a large parking lot. The residential units will be located away from the street, towards the rear of the lot, and will be behind a controlled-access gate. The units are designed to accommodate families rather than single individuals.
- 2. OPEN SPACE There is an existing pipeline which bisects the lot, and is reflected in the general layout of the site. A principal driveway with parking on both sides parallels the pipeline, but will not be built on top of the pipeline (other than required crossings). The entire site will be fenced and landscaped to meet or exceed city requirements. The amount of open space exceeds minimum requirements.
- 3. PARKING The preliminary site development plan shows adequate parking for all of the residences and the church.
- 4. DESIGN All new structures will be faced with brick veneer, comprising at least 75 percent of the exterior, according to the attached PUD Narrative and Photos.
- 5. PHASES The property will be platted in one phase, but no specific phasing plan has been proposed to detail what the sequence of construction would likely be. If no specific plan is proposed, staff would suggest that the church be constructed first, with residential buildings phased in as need and finances allow.

7b-4

Planning Commission Staff Report Ordinance No. O-0910-24 March 11, 2010, page 3

## **ALTERNATIVES/ISSUES:**

- <u>IMPACTS</u> The proposed twenty residential units represents an average density of less than 3.5 DU per acre, approximately the same as typical single-family developments, and thus should have limited practical impact. Because one of the components of this church's "mission" is to provide food, clothing, housing, and counseling to targeted families, daily activity is expected to be higher than traditional churches. Because this agency does not currently conduct an operation similar in size to this proposal, the extent of that impact cannot be determined.
- <u>ACCESS</u> Only one main driveway is proposed into the project, which alignment has been approved by the Traffic Engineer because it aligns with the church driveway on the south side of Lindsey Street.
- <u>SITE PLAN</u> In addition to the required fifty-foot width of the pipeline easement, the applicant has located all structures an additional distance (of approximately 25 feet) from the edge of that easement.
- OPERATIONAL CONSIDERATIONS

  This group has been searching for an appropriate site for several years, with a long-range goal of providing housing and supportive services to an under-served population. They currently operate within a small residential structure on this site which has been converted to church use under the existing A-2 zoning. The proposed housing has been designed to accommodate families who are in transition, rather than one-night emergency shelters for single individuals. While this site is large enough to meet their general needs, it is not centrally located, and is not currently on any bus route that would allow ready access to families that do not have automobiles.

STAFF RECOMMENDATION: Because the proposed use does not align with "church use" as typically seen in this community, staff agrees that the best approach to address this concept is as a Planned Unit Development. The PUD narrative does not fully address any of the operational aspects of this church and its mission to provide transitional housing for families who may be temporarily homeless. Because this application lacks any specific description of the day to day operational impacts that an undefined number of families could have on the surrounding area, staff is unable to evaluate the overall impacts of this proposal, and thus unable to make a clear recommendation on this rezoning request.

Planning Commission Staff Report Ordinance No. O-0910-24 March 11, 2010, page 4

As this is a group with an ambitious goal but with limited experience, the PUD will serve as a "contract" to ensure specifically what can be built as well as the quality of the development. Failure to submit a final plat within three years (or be granted an extension by the City Council) would allow the Council to rescind the zoning of this property.

At a minimum, any recommendation should stipulate that the development strictly adhere to the PUD narrative and description of the project, with the further condition that the first phase of construction include the principal church building. From: LAWRENCE BARNES [mailto:genebarnes1935@prodigy.net]

To: Sean Rieger

Subject: Planning meeting

Mission Norman Transitional Home for Families with Children

#### Absolutely no discrimination because of race or religion.

I haven't received the homeless "point in time" count for this past January. I do have the report from July, 2009. This is the report dealing with homeless unsheltered families with children, 49 families, representing 143 people, an average of 2.9 per family. The need is so great here in Norman to help these families. Presently transitional housing providers in Norman have to turn away large families because their housing is too small to accommodate larger families. Probably this number (49 families) has increased since last July due to the economy. Still with our proposal we will only be able at this time to help 20 families, but it will be very good for that 20.

Mission Norman is a nonprofit (501-C) transitional housing for Families with Children (a Mother and Dad or a Mother/Dad with Children). The Two/Three bedroom homes will be fully furnished. Residents will sign a lease and may live at Mission Norman up to two years. Residents will work with Counselors weekly to determine the cause of their homelessness and will take specific steps to change behaviors and situations that have caused their lives to be unstable. The Counselors provide accountability and valuable services such as employment advice, substance abuse counseling, life skills training, financial management, and parenting skills. These counseling sessions will provide our residents confidence, training, and an opportunity to develop their skills and gain the resources necessary to obtain and sustain permanent housing of their own.

Once employed our residents will be able to become tax payers and consumers of goods and services contributing back to the community. Residents after employment will pay Mission Norman reasonable expenses for utilities, housing and a savings account will be set up (amounts not determined at this time). When the time to move on to permanent housing comes they will have savings to be used for housing, utility deposits and skills to live a fully self-sufficient and productive lives.

Mission Norman's Housing Program Requirements and Expectations

- 1. Be homeless: A Mother/Dad or both Mother and Dad (with marriage license) with Children. Family is without a residence, sleeping in shelters, cars, parks, bridges or abandoned buildings or in the process of being evicted.
- 2. The process of gaining admittance requires an approved application and a satisfactory interview.
- 3. Sign consent forms, housing and savings agreements
- 4. Be free from alcohol, drugs, tobacco, pornography and domestic violence and be committed to remain free of alcohol, drugs, tobacco, pornography, and domestic violence.

- 5. Have a state issued drivers license or photo ID and a Social Security Card or verification from SSA that you have applied for one.
- 6. Tuberculosis test results from the last six months.
- 7. Be committed to obtain full time employment.
- 8. Be committed to participate in Mission Norman programs.
- A. Meet with your Counselor Weekly.
- B.Attend scheduled classes/discussion groups regarding topics such as financial management and budgeting, resume' writing, cooking and caring for left-overs, Family Development Plan, and etc..
- C. Mission Norman would appreciate and encourage our Transitional Families to attend bible studies and attend church with our Mission Norman's Family at the Mission Norman Mission Center.

#### Safe Living

- 1. Mission Norman will be a gated community.
- 2. Keys: Each family will receive a key to their own living house. The keys are not to be duplicated or given to any other person for any reason. If the key is lost notify your Counselor/Mission Norman Director immediately. Each family will be responsible for replacement cost.
- 3. Visitors: For the safety of the children and yourselves we ask that you make a wise judgment as to who you will invite to your house. In addition, your visitor/s need to be added to our guest list 48 hours prior to visit. Mission Norman's staff will approve/disapprove your guest visits. The safety of every resident is very important to us.
- 4. Smoking: NO SMOKING in the HOUSE or on Property, NO EXCEPTIONS.

#### Personal Living

- 1. Personal Grooming: Each person is expected to maintain clean personal hygiene
- 2. House Living: Each person is responsible for keeping their house clean and neat to meet reasonable standards for safety, health, and pest control. No open flames, candles and incense are not allowed. Pets are not Allowed. We ask that you do not paste, tape, or nail anything to the walls. To ensure that all standards previously mentioned are met, houses are subject to surprise checks. Green areas to be free of any trash, weeds, etc.

  3. Friendly Living: If you have personal problems with your neighbor DO NOT TAKE
- MATTERS INTO YOUR OWN HANDS. Report any concerns to Mission Norman's Staff. A reconciliation meeting will be scheduled and differences will be worked out in a peaceful matter. We have ZERO tolerance for fighting on the premises.
- 4. Mail: The Mail Person will deliver the mail to a common mailbox, you can pick up your mail at the Mission Center.

#### Termination from Mission Norman Transitional Housing

The following actions will result in considering you for termination from Mission Norman's Transitional Housing.

- 1. Smoking
- 2. Possession of alcohol, illegal drugs, drug paraphernalia, as well as falsely obtained prescribed drugs and abuse of over-the-counter drugs.
- 3. Possession of weapons or pornography on the premises.
- 4. Theft, fighting, or foul language
- 5. Vandalism, disturbing the peace
- 6. Physical or verbal abuse to residents and non-residents
- 7. Non-participation in required counseling sessions, classes, etc.
- 8. Having an unauthorized guest in the house.
- 9. Violation of any city, state, or federal laws.
- 10. Refusal to submit to a substance abuse or mental assessment within 24 hours.

The day to day operational impacts of an additional 20 families living in transitional housing will have an impact to some degree. But absolutely nothing that our staff and volunteers can't handle. Just this past year the number of our clients has increased dramatically due to the recession. January 2009 we helped 294 families with food, 45 families with utilities, rent and gasoline, this past January, 2010, we helped 527 families with food, and 104 families with utilities, rent, and gasoline. With the increase of families we always had sufficient counselors dealing with each family and volunteers stocking and distributing the food.

I know that the City is concerned about the bus service. We are only about a half mile to the closest bus stop on Lindsey, we have occasionally people riding the bus than walking to the Mission Center to get help. Almost all of our people that come for help have some form of transportation. I honestly believe that most of our people that will live on our property will have their own transportation, if they don't have transportation Mission Norman Staff will see to it that they will get to their jobs, etc.

Yes, definitely we will be adequately staffed prior to bringing in families.

Gene Barnes, Mission Norman

# MISSION NORMAN ADDITION

Norman, Oklahoma

A PROJECT BY MISSION NORMAN, INC.

PLANNED UNIT DEVELOPMENT APPLICATION FOR REZONING AND PRELIMINARY DEVELOPMENT PLAN/PLAT

8 February 2010

33-12

#### I. <u>INTRODUCTION</u>

This MISSION NORMAN ADDITION project (the "Addition") is proposed as a Planned Unit Development of roughly 5.75 acres, in Ward 1 of the City of Norman, at 2525 East Lindsey. The gated Addition feature several uses, such as church worship/fellowship/office and related functions, transitional housing, and a storage barn.

The Applicant is requesting an amendment to the 2025 land use plan, and a rezoning of the property to Planned Unit Development (PUD), and is submitting a Rezoning Application, Preliminary Development Plan and Preliminary Plat.

This PUD District will allow the necessary greater flexibility in design to create a small Addition with a variety of uses on one site of ownership. The PUD ordinance will also allow for strict control of zoning use and development on the property and thus provide assurances to the community that the site will be well kept and maintained.

#### II. PROPERTY DESCRIPTION/GENERAL SITE CONDITIONS

#### A. Location

The Addition is located generally at 2525 E. Lindsey Street, Norman, OK.

#### B. Existing Land Use and Zoning

The property is currently zoned A-2 Rural Agricultural District. The site is currently an unplatted parcel, with one residential structure on the property. Most of the property is raw land.

#### C. Elevation and Topography

The site consists of a fairly flat or low-slope property. No portion of the site is in the FEMA 100-year flood plain.

#### D. Drainage

A Drainage Impact Analysis will be prepared as required by the City to illustrate the storm water requirements and solutions planned.

### E. Utility Services

Many of the required utility systems for the project (including water, sewer, gas, telephone and electric) are currently located adjacent to, or in near proximity to, the section line Lindsey Street just abutting the Addition to the South.

#### F. Fire Protection Services

Fire Protection services will be provided by the City of Norman Fire Department and by Owner-provided building sprinkler systems where required by building codes in individual structures.

#### G. Traffic Circulation and Access

Primary vehicular access to the site would be provided by way of Lindsey Street, as the only street that abuts the small site.

## III. <u>DEVELOPMENT PLANS AND DESIGN REQUIREMENTS</u>

The Addition is comprised of several different buildings that provide a variety of uses and characteristics. The Exhibits attached hereto are incorporated herein by reference. Generally, the uses on the site shall be as follows:

#### A. The Main Building

This building is to be the primary building on the site where all public activities are to take place. Inside the main building will be the following:

- 1. A Religious Worship and Fellowship Hall.
- 2. Counseling and Bible study rooms.
- 3. Kitchen and dining areas.
- 4. Food storage and distribution with walk-in refrigerator and freezer space for a food pantry.
- 5. Administration offices.
- 6. A small medical/dental clinic.
- 7. Restrooms.
- 8. Related ancillary functions to all of the above

The uses in this area of the site on the Addition shall conform to the O-1 Office Institutional District in Norman zoning codes.

#### B. The Barn

This building is to serve a combination of uses such as follows:

- 1. A garage for Mission Norman's vehicles.
- 2. A green house to grow plants for landscaping.
- 3. Storage for lawn care and grounds upkeep equipment.
- 4. Storage for donations.
- 5. Related ancillary functions to all of the above.

The uses in this area of the Addition shall conform to the O-1 Office Institutional District in Norman zoning codes.

#### C. Residential Buildings A, B, C and D.

These buildings are to serve as housing for transitional families. The buildings are 2 bedroom 4-plexes. This area of the Addition shall conform with all zoning requirements under the RM-2 District in Norman zoning codes.

### D. Residential Building E.

This building is to serve as housing for transitional families. The building is a 3 bedroom 4-plex. This area of the Addition shall conform to all zoning requirements under the RM-2 District in Norman zoning codes.

#### E. Building Construction.

All residential buildings shall be of a minimum of 75% exterior brick veneer, and all buildings shall have a minimum of 4:12 slope roof. There shall not be allowed any temporary or mobile housing structures in the Addition. All construction of residential structures shall be standard wood frame construction with brick exteriors and shingled roofs.

The Main Building and Barn shall have a minimum of 75% brick exterior veneer construction, with the sole exception being the portion of the Barn that will serve as a greenhouse, which will have a large area of glass and translucent facade. These nonresidential buildings may be constructed of metal building structures (covered in the minimum 75% brick veneer), with a prefinished metal roof, or other materials as allowable under the current City of Norman codes.

It is the intent of the developer that the site, as seen from Lindsey Street, will have an appealing and quality aesthetic such as a typical church and religious facility would be.

#### F. Site fencing and landscaping.

The site is planned to be gated with significant landscaping in accordance with the landscaping requirements of the City as to all parking areas. The entire perimeter of the Addition will be fenced, with all uses behind the fencing and landscaping buffers.

Set back quite some distance from Lindsey Street, and behind the front parking lot that will be adjacent to Lindsey Street, will be the front fence across the property. This fence is planned to be a combination of rod iron and brick pillars with landscaping intermixed adjacent to it.

The remainder of the property around the perimeter is planned to be fenced with a six foot privacy fence.

### G. Setbacks; height; and coverages.

The setbacks and locations of buildings shall be as shown on the accompanying preliminary plat and preliminary site plan submittal, with all setbacks and coverages for each area of the site to conform generally to the requirements of O-1 Office Institutional for the Main Building and Barn area, and RM-2 for the residential areas of the Addition.

### H. Dumpster and Trash enclosures

Dumpsters shall be kept within an enclosure that is primarily constructed of similar exterior materials as the primary facade of the building(s) it is associated with, and with locations as approved by the City of Norman for good access.

### I. Outdoor Signage

All signage shall be in conformance with the City of Norman's sign codes, as amended from time to time, and comply with applicable O-1 district regulations.

### J. Sidewalks

All sidewalks will be at least four feet wide and provide adequate access to the buildings. A four-foot wide City sidewalk will be provided generally along Lindsey Street as it abuts the Addition, constructed to City of Norman Standards.

#### K. Lighting

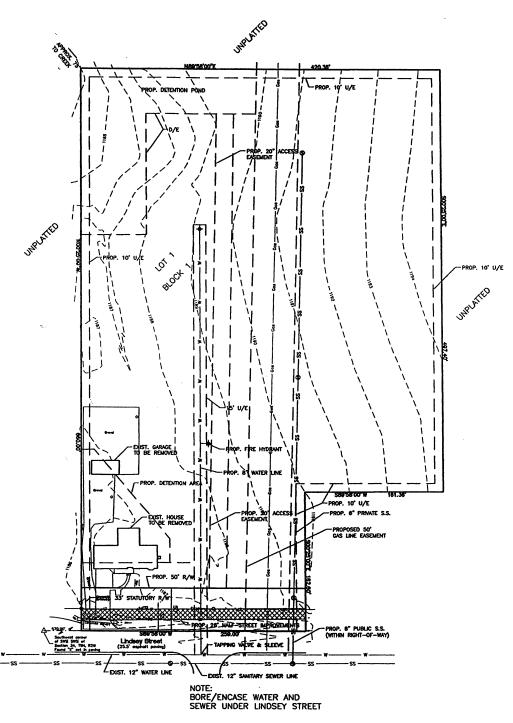
All lighting over any common areas will be shielded from any single-family home sites that may be adjacent to the Addition. Lighting shall be designed and constructed in such a manner so as to not be a nuisance to any neighbors and to not disrupt visual safety of traffic along Lindsey.

### PRELIMINARY PLAT

OF

### MISSION NORMAN ADDITION

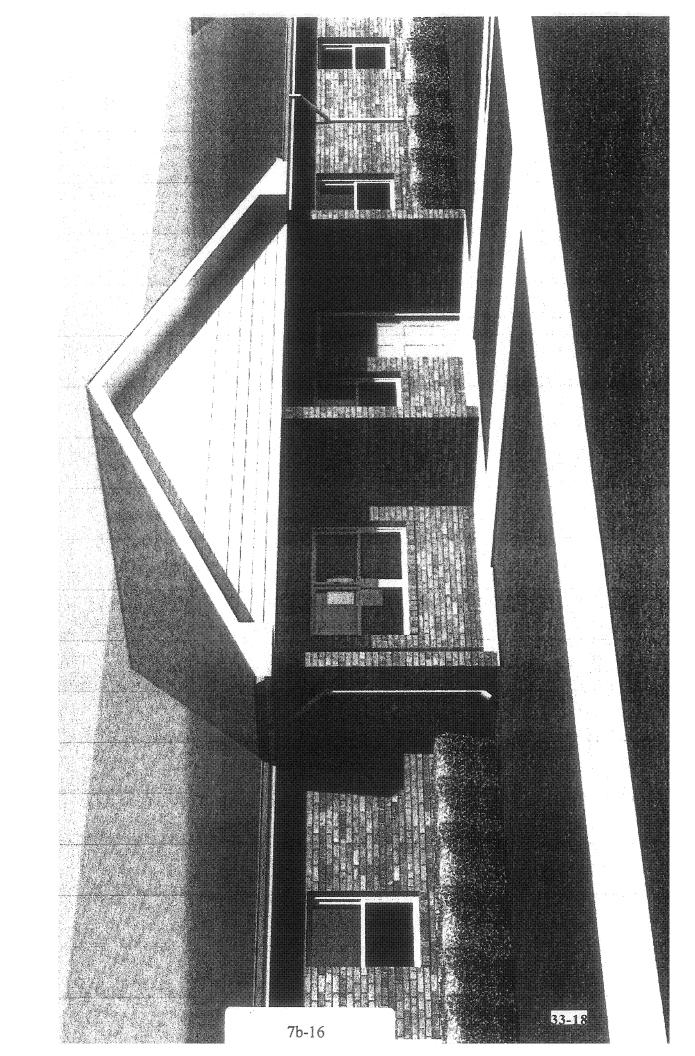
A PLANNED UNIT DEVELOPMENT BEING A PART OF THE SW/4, SEC. 34, T9N, R2W, I.M. NORMAN, CLEVELAND COUNTY, OKLAHOMA

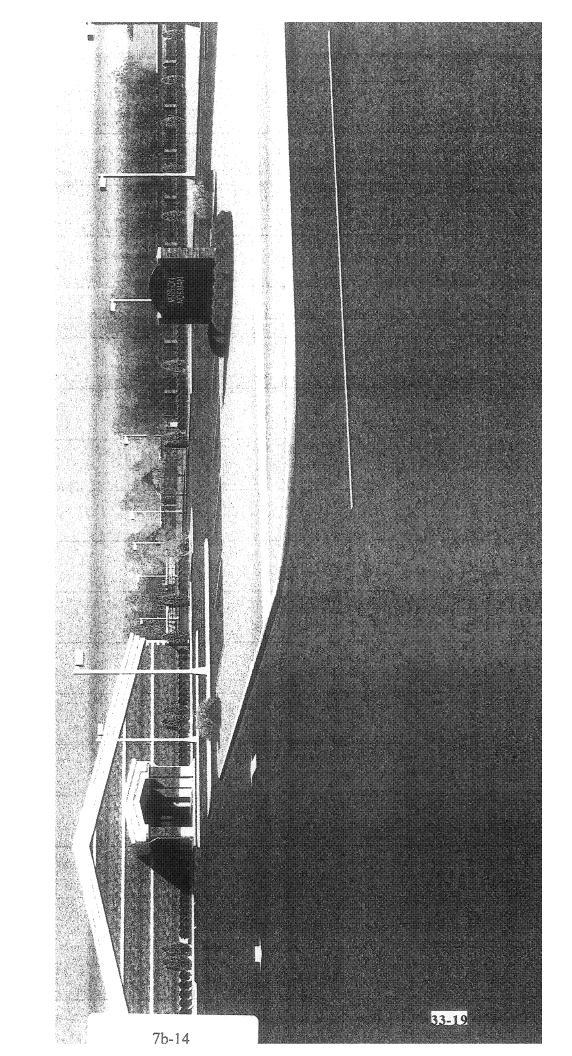


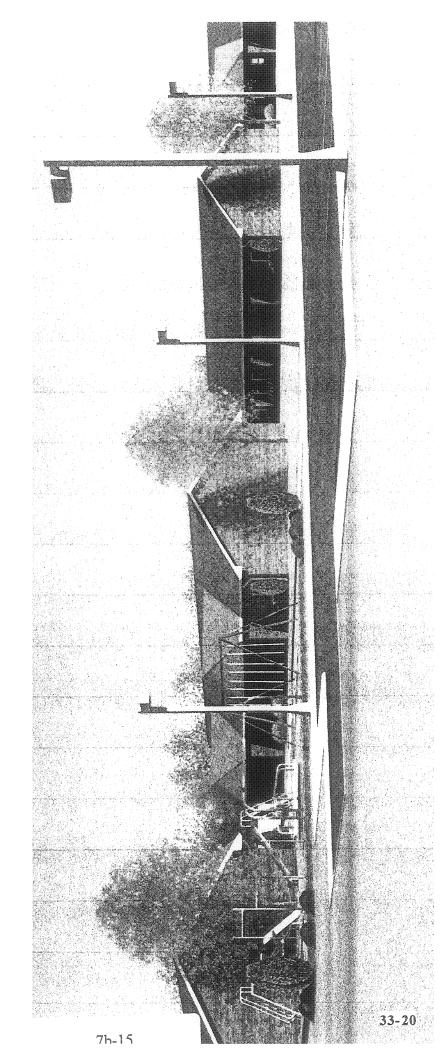
OWNER/DEVELOPER

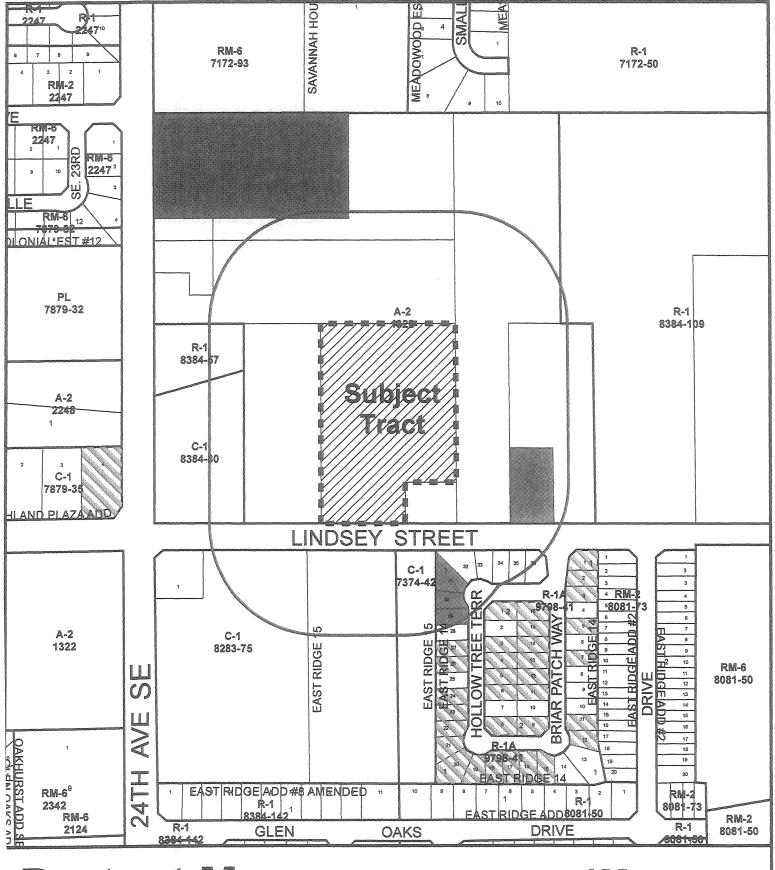
SCALE: 1"=50'

Mission Norman, Inc. 2525 E. Lindsey Norman, OK 73071 <u>CIVIL ENGINEER</u> JTK Engineering Company 37906 Wolverine Road Shawnee, OK 74804 SURVEYOR
Cornerstone Surveying
22161 Ladd Avenue
Purcell, OK 73080-4509









### **Protest Map**



5.2% Protest Within Notification Area

Map Produced by the City of Norman Geographic Information System. (405) 366-5436

The City of Norman assumes no responsibility for errors or omissions in the information presented.



Scale: 1" = 300' May 5, 2010









### Walter and Isobel Knoepfli

909 24<sup>th</sup> Ave SE Norman, Ok 73071 212-4804

Re: Request for Norman 2025 Land Use and Transportation Plan Amendment and Rezoning of February 17, 2010

March 3, 2010

Members of the Planning Commission:

As property owners in the area of protest and well aware that we will have no influence on you, we hope you will consider the movement of traffic in this area.

We have owned our property and lived here since 1961. We face on 24thAv S.E north of the intersection with Lindsey. There are many times when traffic is backed up for a quarter to half a mile in front of our house. These problems are greatest when people are waiting to make a left turn onto or off Beaumont. This indicates that traffic management at the Lindsey and24<sup>th</sup> Ave. SE intersection needs to be corrected before increasing traffic in this area. Please consider the problems that already exist before increasing them.

Thank you

Walter H. Knoepfli

sobel L. Knoepfli

### LIST OF PROPERTY OWNERS/RESIDENTS THAT SIGNED THE PETITION IN OPPOSITION THAT WERE SENT THE NOTICE OF REQUEST FOR NORMAN LAND USE AND TRANSPORTATION PLAN AMENDMENT AND REZONING:

- 1. 2605 E. Lindsey (# 12 on Notice and #43 on Petition)
- 2. 1200 Hollow Tree Ter (#21 on Notice and #18 and 19 on Petition)
- 3. 1204 Hollow Tree Ter (#22 on Notice and #16 and 17 on Petition)
- 4. 1208 Hollow Tree Ter (#23 on Notice and #14 and 15 on Petition)

Numbers 18 and 19 on the Notice were found to be vacant when the Petition was being circulated.

FILED IN THE OFFICE OF THE CITY CLERK ON 5/3/10

# PETITION IN OPPOSITION TO THE PROPOSAL REGARDING MISSION NORMAN AT 2525 E. LINDSEY BY THE FOLLOWING CONCERNED PARENTS:

NAME:	ADDRESS:	
1. BUMMY WMW. 2. CYCKE Jalliexe 3. Ashton somes-Taylor 4. Michael Birnic 5. Jan Kype 6. Jan XIII Sauce 7. Legyance Sauce 8. Myresch	911 W. Main St. 8700 Parton (n.	
9. Dai Da Shal	911 W. Wain	
11. Jone a Robinson 12. Natarha Hillin 13. Mah Will 14. January Guyti 15. January Guyti	2801 Black Locus Ct. Nrm, OK 2913 F. (aice Dr. Novman, OK 730 911 W. Main St 911 W. Main St 911 W. Main St	71
16. Suremesehwensch	H.E. black drive	
18. Allanu Jode	109 Sand Stare De	
20. Chris Three Benneth 21. A Shley Benneth 22. Steven Colon	H320 Alomboa ST. H330 Alomboa ST.	
23. Sandia Aiabl 24. (Birisha Filias 25. Lindsau Euglei	1620 peach tree lane 911 W. Main St.	
26. Paritau Briton	1991 W. Main St	
28. Branding tomery	III w. Mara St.	
29. Colle Moor	all w. Maro	
31. Lisa Williams 32. Shene Johnson	308 chame the Dr	
33. Yadira amaya	1409 Hossen Dr.  MistyRidge Dre	
34. 10 h Nulland	115 YK109E 117	
36. Wighani Johnson	2018 Meadon And 2207 DOMA Drive	
39. Bradeo By SSEY	2/07 b/10995	
41. MICO (100 AC)	200 VICKSVOVO	
,	FILED IN THE OFFICE OF THE CITY CLERK ON 5/3/10	
	$ON_{5[3](0)}$ 33-24	

# PETITION IN OPPOSITION TO THE PROPOSAL REGARDING MISSION NORMAN AT 2525 E. LINDSEY BY THE FOLLOWING CONCERNED PARENTS:

NAME:	ADDRESS:
1.	931 Nebaska St. Numan, ok
2.	530 E. ESANLA NEZMANOK
3. Megay Little	S.E. 31th St., Norman
4. Purty Mi Donceld	S.E. 37th St. Norman
5. Landwalker	611 South Porce Ac.
6. RATE HARRIS	3205 Valley follow
1. Margarix frasen	4200 & Franklin ET
8. Tustidy Olline	5850 E technisch Rd
9. The sun	1801 Barb Dr 1791 Manson Struct
10. A francisco franços	
11. Lay Gulde Sander	2021 Alameda St
13. Yochano Carecces	517 E. Apuche St.
14. Breint Jen Kins	911 W. Main St.
15. Josh W156	5707 hickard her de
16. Damier Kline	911 W. Main St
17. Dand Storm	GOY McGee Dr.
18. Taylor Slawson	23/48 Cradwick Dr.
19. Kamia King	1501 WICETHESS Dr.
20. Zech 7 immer	all w main st
21. Kaman Wilson	1010 Parson St
22. To ylor Gotts 23. Micheal Palma	1505 Conden Was
24. Selaces Hannon	2017 Vanessa Dr.
25. hellerun Crencis	2417 Boney brooks
26. Aviel Bradier	1119 Cadjeil LA
27. Ashley Stewart	17601 Cratram FIII rd.
28. Tiffary hilliams	1209 Hollow TAX TETRACE
29. <u>NECOLE Affleic</u>	1840 W. ROBINSON St.
30. Jon Briting	117 W. Symmes
131. MUTUL CARRESTON	gi is man 1
32. AMUNA GROSSMAN 33. Olivia MEEV	911 WEST MAIN
33. Olivia MEEV 34. Jann Black	911 WEST MAIN 911 West Main St
35. Connor Madole	BB 911 west Main St.
36. (17be Nicho	2126 Teresa Drive
37. Adnana Barbaclico	2840 Milwood Terrace
38. Marcarda Corc	911 w. Hain St
39. Marking McCial	3300 NESS (R
40. Tyler Hockabee	5600 E. Robinson
41. Silby Cramer	1906 morres Dr.
FILED IN THE OFFICE	



### PETITION IN OPPOSITION TO THE PROPOSAL REGARDING MISSION NORMAN AT 2525 E. LINDSEY BY THE FOLLOWING CONCERNED PROPERTY OWNERS/RESIDENTS:

# NAME: 36 Mary Jane Cobb 37 Hauther Waveners

#### ADDRESS:

Wale Norman OK 73071 Norman OK 73071 1220 Hollow Tree Ter Norman OK 12Ke Hollow 12EE TERR NORMEN CX 23071 1208 Hollow Tree Terr Norman ok 13071 1208 Hollow Tree Terr Norman on 73071 1204 Hollowthee TORA NORMA 11/2 73071 thee HAKK nolman OIC 730)1 Terr Norman OK 73071 1200 Hollow Tope Terr Norman OK 730+1 1305 Hollow Tree Terr Norman OK 73071 1217 Brian Patch Way Norman 1K 73071 1217 Briar Patch Way Norman, OK 73071 2705 F. Lindson St. Norman De

### PETITION IN OPPOSITION TO THE PROPOSAL REGARDING MISSION NORMAN AT 2525 E. LINDSEY BY THE FOLLOWING CONCERNED PROPERTY OWNERS/RESIDENTS:

### NAME:

### ADDRESS:

38 hannon Welcian Gramon Welchen	2612 Briar Paken way Norman OF 73071
39 Matthew Wicken Mathew Arten	alula Briar Raten was Norman et 73071
40 May Cheland Mary Cleveland	103 1 RURIGIA CITCA NOIMEN OR 130/1
41 anesta Claudanel anesta Cleverand	3229 Dove Crossing Dr. Norman or 72072
42 Larry Clarkand Parry Clereland	3229 Dave Crossing Dr. Norman or 73072 July
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(PXLENTS) LINDSEY

### PETITION IN OPPOSITION TO THE PROPOSAL REGARDING MISSION NORMAN AT 2525 E. LINDSEY BY THE FOLLOWING CONCERNED PARENTS:

### NAME:

### **ADDRESS:**

1 Chris Druett	1233 IOWA Norman OK
2 Dannders A. Alexander	1604. W Boyd RORMEN OK
3 Karen Smith	P.D.Box 67 Noble OK 73068
4 Seul Brightvell	1808 Tiffany Dr. Norman
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8 / Dean Har	9360 75 th St. Lante OK.
9 Testa 2lous.	Y.OBOX 5178 NORMAN DIC
10 Jason Hatt	5/01 120th Ave D.E. NORMAN. O.X
11 Sonia L. Bugher	1307 MAGNOLIA ST-Norman, OK.
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15 Miranda Hanip	10601 E Tecumseh Ra Normanok.
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18 MARY Ann BAXNARG	10601 & Tecumsen Rd Norman Oct 7307 307
19 Jeft Bugher	1501 Way BITH
20 Amanda Martin	P.O. Box 67 Noble, OK 73068
21 Harvey Cargill	F.O. Box 67 Nuble, OK 73068
22 Corey Stephens	547 tewksbury lane Blanchard OK 73016
23 Michael Jamper	101 Anguer 110, man 73068
24 Sandi Racrette	101 Andoner Morman 73068
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26 Shemie Frick (Sherrie Frick)	431 BIJON Dr. HOLB Norman OK 75071
27 South O Trumpt	402 WOODS NOWIE OH 73068.
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### PETITION IN OPPOSITION TO THE PROPOSAL REGARDING MISSION NORMAN AT 2525 E. LINDSEY BY THE FOLLOWING CONCERNED PARENTS:

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FILED IN THE OFFICE OF THE CITY CLERK ON 5 3 10

March 19, 2010

To Whom It May Concern:

I am writing this letter to register my vote of confidence for Mission Norman and its upcoming capital project at 2525 East Lindsey.

I have lived in Norman for 52 years and lived east of 24<sup>th</sup> Avenue SE for the last five years.

I find their motives and dedication to be second to none. Their outreach activities cover a broad range of central Oklahoma and Norman specifically. Their efforts provide four hundred meals per month to families in need and distress.

The project that is upcoming on East Lindsey to add housing to their philanthropic efforts, is sorely needed in the area selected.

I can think of no other organization better suited to carry out this ambitious project that Mission Norman.

Sincerely

H. Harvey Hill III

OF THE CITY CLERK ON 3/22/16

800 LEXINGTON 51,40 NORMANIOR 73069 MARCH 25,2010

To City Coural members, I support Mission Morran's efforts in seeking Permission to build 4-places for homelessfamilie I volunteer in the food partry, legaing people get boxes of food bother families. Missin norman telped ner 500 families in January 2010 with Bood, He mission also seffed people inthe gardine vouders for dates appointments and jet interviews and the law \$25 for vertor utilities.

Mission hormon wants to do more for the people of horran, especially honeless families. Please allow them to do so, We all volunteer our time and every except would like to see a ligger building to Touse the food partry and other services that one plansed, as well as the y-place.
The troffic has not been a problem and I don't expect it to be a problem in the future. People me able to get to our freility ever thugh the lus route ends a half mile away, Some seapl walk to our facility and someone of us takes then fine in Tray when mission norman's plans are Considered. Harls you, FILED IN THE OFFICE OF THE CITY CLERK David O. / Jess ON\_3-29-10



905 E. ROCK CREEK ROAD

NORMAN, OK 73071

March 23, 2010

OF THE CITY CLERK ON 9-15-10

To Whom It May Concern:

On behalf of *Northeast Baptist Church* I commend the good work of Mission Norman. For the past two years we have supported their work through our general budget. This year we are seeking to advance our involvement with Mission Norman by working with one of their volunteers, Sandy Duncan, in caring for the needs of the residents at Garland Square Apartments.

Their integrity is unquestionable. Every month we receive a monthly report of their work and finances. The numbers of people in our community that they assist is remarkable, and a testimony to their hard work and compassion for the needs of others.

It is this compassion that leads them to seek to expand their ministry to meet the need for transitional housing for homeless families with children. We're confident that those with this need will be given a hand up and not a handout. In other words, this need in our community will be met and the assistance will help families return to independence. Mission Norman makes our community better and stronger.

Sincerely,

Dr. Ed Sasnett, Pastor

PHONE: (405) 366-839 I FAX: (405) 366-6220
E-MAIL: NORTHEASTBAPTIST@YAHOO.COM WEBSITE: WWW.NEBAPTIST.COM



letter

Wednesday, March 24, 2010 9:24 PM

From: "Dana Jackson" <cpmministries@cox.net>

To: gene@missionnorman.org

March 24, 2010

FILED IN THE OFFICE OF THE CITY CLERK ON LY S

To Whom it may concern:

I am writing this letter with the highest of recommendation concerning Mission Norman and the work that they have done and continue to do. Their endeavors have supplied a multitude of families with the much needed support needed by many, and are lacking during these trying times. I am presently in the process of contracting out through the Department of Human Services as a Counselor/Trainer for at risk youth and families through a program which facilitates teaching this specific demographic the life skills they need in order to become independent of any state aid; Mission Norman has been kind enough to donate the use of their facility for these training classes. I am most appreciative of their service to our community. Mr. Barnes is a man of great integrity and the mission is one of compassion.

Respectfully,

Dana L. Jackson, University of Oklahoma MHR Graduate Student



Recommendation

Wednesday, March 24, 2010 9:43 PM

From: "Dana Jackson" <cpmministries@cox.net>

To: gene@missionnorman.org

March 24, 2010

FILED IN THE OFFICE OF THE CITY CLERK ON 4-15-10

To Whom it may concern:

As a Pastor here in Norman, I am very aware of the great needs within our community, especially as it pertains to many families. I have personally referred individuals to Mission Norman for assistance and even interviewed Mr. Barnes for a research project for nonprofit organizations, and have found this organization to be one of the most fiscally responsible organization that I know. I have Known Mr. Barnes for over four years and have found him to be a person of impeccable character. I am pleased to recommend Mission Norman to the Council for approval.

Sincerely,

Pastor Robert L. Jackson, President & Founder of CPM Ministries Int'l Cindy Honeycutt 1214 E. Bradley St Shawnee, Oklahoma 74804 March 25, 2010 FILED IN THE OFFICE OF THE CITY CLERK ON 4/5/10

To whom it may concern:

My name is Cindy Honeycutt and I was a Norman resident from 1979-2008. While in Norman I was a Licensed Professional Counselor and a Licensed Alcohol and Drug Counselor and worked at two different community agencies. At one of the agencies I worked at, part of my duties was to attend the committee that met at City Hall to address the housing needs in Norman. I was already aware of the growing homeless population, particularly among those with mental illness and substance abuse problems. I was unaware of how little public housing or other funded housing programs were available to those individuals and families who may need some help to get off the friend's couch or camping out at Lake Thunderbird, etc. This committee was where I heard of Gene Barnes and Mission Norman.

From 2007-2008, I became a part time volunteer with Mission Norman, giving up my full time job to partner with this faith based organization and help others with their many needs. I appreciated their integrity and their genuine commitment not just to give a hand out, but also a hand up, so to speak. My husband and I moved to Shawnee in 2008 to help with my ill father, but I continued to support Mission Norman financially and with other donations. I received monthly reports on the dollars that were received and how many people were helped through their efforts.

I am so excited that the land Mission Norman occupies has been rezoned so that transitional housing can be provided for Norman's neediest citizens. This has been a dream for so many years now and will allow the recipients help not just with housing, but other needed life skills to successfully raise themselves out of poverty. My husband and I are planning on moving back to Norman within the next year, and I intend to be back with Mission Norman in any capacity I am needed, whether it's to provide counseling, budgeting, life skills - I see endless possibilities when the housing is in place. I have full confidence that Mission Norman will be able to provide these services and respectfully ask that Norman City Council approve.

Sincerely,

Cindy Honeycutt, LPC, LADC

Cardy Horeyult

To Whom It May Concern:

### **RE: MISSION NORMAN**

Recently the City Planning Commission approved a request from MISSION NORMAN for rezoning property for a "Mission Center".

As a long-time resident of Norman, and as one who has been following the work of MISSION NORMAN for several years, I am happy to add my voice of approval for the Planning Commission's action.

I know Gene Barnes and am aware of his work along with others through MISSION NORMAN in recent years and am one who receives a report from him each month, telling about the work that has been done and about plans for the future.

Although the proposed "Mission Center" project will not be an easy one, I believe that Gene and those who work with him will be able to staff and carry out the program of providing temporary housing for families that are in a transitional stage of their lives.

Along with others I am looking forward to having this project approved by the City Council so that it can begin to be implemented soon.

Sincerely,

Russell Morris 2005 La Dean Drive Norman, OK 73069

### To Whom It May Concern,

Grace Fellowship is currently in our second year of providing financial support to Mission Norman. We initially began supporting this ministry because they were providing help to families needing basic physical assistance in a way that we were unable. We attempt to assist the community of Norman through organizations such as Bridges, Food and Shelter and Friends, in addition to Mission Norman, because we feel that they each serve in a respectful and responsible manner. We have continued this support due to our confidence in the way Mission Norman handles their funds and the manner in which they remain continuously accountable in their activities. Each month we receive a report from Mission Norman that details, not only what they have been doing, but also shares how they have handled their finances. We now look forward to this next step Mission Norman is taking as they attempt to better meet the needs of families and children in our community.

Sincerely, Rick Anthony OF THE CITY CLERK ON 4-15-10

### **Rick Anthony**

Senior Pastor, Grace Fellowship gfn@fullnet.net

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letter

Friday, March 26, 2010 8:58 PM

"Sandra Duncan" <sandra\_duncan@hotmall.com> gene@missionnorman.org

To Whom It May Concern:

I have been involved with Mission Norman for a few years. I started out doing Bible study at one of the apartments. I then got involved in the food pantry when we just had a closet. I have seen how we positively impacted people by giving them food, visiting with them, helping with financial problems. The food pantry has increased over the years and is increasing monthly. One of my duties is putting data in the computer so I can see the increase. I also see the increase in homelessness. The people will tell us if they are homeless. I know our next project will only make positive changes in Norman and help so many people in need. Norman needs a place where families down on their luck can go, feel safe and get their lives back on a positive track. They then can become productive citizens and the children will get security that comes with having a home. Mission Norman can do that with our next step, building apartments for the homeless. Thank you for your time.

Sincerely, Sandy Duncan	·	
Hotmail is redefining busy with tools for the New Busy. Get more from your inbox. Sign up now.		
	FILED IN THE OFFICE OF THE CITY CLERK ON 4-15-10	

March 26, 2010

OF THE CITY CLERK ON 4-15-10

To Whom It May Concern:

It is my privilege to write this letter of support for Mission Norman. I have seen the impact Mission Norman has on the citizens of Norman for the last four years. I first found out about Mission Norman when their food ministry was located at Brookhaven Baptist Church. It was a great time for the City of Norman whenever Mission Norman was able to locate to their current facility. This has allowed Mission Norman to grow into a larger ministry being able to help more people.

As a follower of Mission Norman, I receive monthly reports including finances, the number of families helped, and the areas of help given. I am always amazed to see the increase in families helped from month to month. Not only being amazed, I am pleased that Mission Norman is able to help so many families with children. Mission Norman is a place of refuge and help for families who may have no other place to go. I know the plans that Mission Norman has for the future and can only imagine the impact they will make once they can be rezoned and build their multi-unit transitional housing ministry for homeless families with children. I am sure with the addition of this new ministry, Mission Norman's current ministries will only grow and excel in the future.

Please accept this letter showing my confidence in Mission Norman, as well as my excitement to see what the future holds for the Mission. As a resident of Norman, I am glad there is a place for families to go when other facilities may not be able to offer help.

Sincerely,

Jason L. Garner
Minister of Music and Education
Brookhaven Baptist Church



### My Letter of Support

Friday, March 26, 2010 12:28 PM

"Michael Hatcher" <hatcher89@gmail.com>
"Gene Barnes" <genebarnes1935@prodigy.net>

Michael Hatcher 324 E. Boyd Apt. 2 Norman, OK 73069

March 26, 2010

OF THE CITY CLERK ON 4-15-10

To Whom It May Concem:

Three years ago, I came to the great state of Oklahoma to study Interior Design at the University. Shortly after attending the University of Oklahoma—and largely because of Mission Norman—I made the decision to completely transition my life from Texas to Oklahoma. With a father who labors among the homeless in Fort Worth, TX I felt drawn to Mission Norman and its vision to serve the poor its community. Now, I work as Mission Norman's secretary, managing the Mission's finances, overseeing the office work, designing the many mail-outs, pamphlets and documents.

So today, I write to you not only as an Oklahoman, but also as a fellow Normanite, witnessing first hand the good Mission Norman is doing in our city. Thousands are being fed, people are being helped, lives are being changed by Mission Norman's effort.

I am confident that Mission Norman's vision of expanding it's ministry to include housing for needy families is a benefit to our community.

Sincerely,

Michael L. Hatcher

OF THE CITY CLERK ON 4-15-10

March 26, 2010

#### To whom it may concern:

I am writing to provide information concerning Mission Norman. I have been involved with several different organizations that provide help for the needy in the Norman area as well as Oklahoma City. Need is manifested in many different ways, from poverty, to homelessness to battered women, to children whose parents are in prison. I have volunteered time in all of these areas and along the way discovered Mission Norman. Mission Norman is multifaceted in their assistance and ministry to the needy in the community of Norman and beyond. It is a non-profit, non-affiliated organization that has demonstrated the ability to provide food, utility assistance, furniture and other help for citizens who are down or heavily impacted by the economy or just need a helping hand. All while utilizing a staff of mostly unpaid volunteers. And I can't ever remember meeting a staff more compassionate and competent than those working with this critical ministry. Since I became involved with MN, I have received monthly detailed status and financial reports as well as other communications. Their success is reflected in these reports showing food distribution and other assistance as measured in numbers of people and families helped.

They have now begun the planning phase for transitional housing for the homeless. When I first heard of this, I was excited and immediately asked what I could do to help. Norman has a larger homelessness problem than most people realize. And homelessness, like all other forms of poverty, has the worst affect on children. This transitional housing will provide temporary housing specifically for citizens who are homeless with children. This is a wonderful opportunity for the city of Norman, who like many communities has the ugly, sometimes unnoticed or unrecognized problem of homelessness. I look forward to seeing this aspect of Mission Norman's ministry to the community come to fruition. I wish there were more local 'grass roots' type organizations that help people like MN in our city, the positive henefit would be immeasurable.

Regards,

Steven Walls 301 Waterfront Dr. Norman, OK 73071 364-3196



### Mission Norman Letter of Support

Saturday, March 27, 2010 7:32 AM

"Stephen Miller" <similler5@hotmail.com> gene@missionnorman.org

#### To whom it may concem:

I am writing to offer my full endorsement of the value that Mission Norman brings to the community of Norman. Evidence of my support of and confidence in Mission Norman takes two forms. I have financially supported Mission Norman with a significant contribution every month for almost 18 months and plan to continue that support well into the future. Additionally, my own children have performed volunteer work at the Mission so I trust those in charge. I have full confidence in the leadership ability of those individuals responsible for running the Mission. To my knowledge, there have been no disturbances at the Mission nor have there been any Mission-related problems in the vicinity. The bottom line is that Mission Norman makes a difference in the lives of Norman citizens at no cost to the taxpayer. In fact the work that Mission Norman does reduces the tax burden on the citizens of Norman by providing social services and and helping disadvantaged citizens return to lives of productivity and contribution. I fully support Mission Norman's desire to expand their contribution to the community. Please feel free to contact me if you have any questions regarding my endorsement.

Sincerely,

Steve Miller 4005 Annalane Drive Norman, OK 73072 364-4758

FILED IN THE OFFICE OF THE CITY CLERK ON <u>U-15-10</u>

March, 27<sup>th</sup>, 2010

Jessica Reynolds 4/55 Bishop Street St Lucia, QLD 4067 Australia

FILED IN THE OFFICE OF THE CITY CLERK ON 4-15-10

To Whom It May Concern:

I am writing to convey my support for Mission Norman Inc., a non-profit agency which recently has requested a re-zoning of their current property in order to open a center to house homeless families. I encourage the Norman City Council to listen to the many people who have been involved in and touched by Mission Norman's caring workers as they make their decision.

My strong support for Mission Norman stems from my intimate acquaintance with this organization. I have been heavily involved with Mission Norman for over five years now. I have seen all facets of what Mission Norman does and the care Mission Norman workers take of Norman's needy residents as well as their facilities and paperwork. I also receive the stirring monthly reports from Mission Norman, as I am currently not residing in Norman. I look forward to the day when I can show compassion to Norman's community as part of Mission Norman once again.

Thus, I am fully confident that Mission Norman is an organization that has done and will continue to do a great service for the city of Norman. I urge the Norman City Council to approve Mission Norman's request for the benefit of Norman's residents and for the furthering of Mission Norman's impact on many hurting individuals.

Thank you for your time. Sincerely,

Jessica Reynolds

Jerry A. Wright 750 S Sara Rd Tuttle, OK 73089 (405) 392-4218 jawright@pldi.net

March 27, 2010

FILED IN THE OFFICE OF THE CITY CLERK ON 4/15/10

To Whom It May Concern:

Please accept this letter as an endorsement of and recommendation for the non-profit organization known as Mission Norman.

I have been associated with Mission Norman for several years, and have known their Director, Gene Barnes, for many years. Like their Director, Mission Norman is an organization of the highest integrity and character, dedicated to the needs of those they serve. The desire to provide transitional housing to homeless families with children is a natural extension of the much needed assistance they currently provide to those less fortunate than most in the greater Norman area.

As an accountant and church treasurer, I appreciate the way Mission Norman keeps supporters informed by providing monthly reports of their activities and financial condition. They are proven stewards of their resources and have earned the respect of their benefactors and their beneficiaries.

You can be confident, as I am, that Mission Norman willexcel in their endeavor to provide transitional housing as they continue to provide food, fuel, utilities, and other assistance to those in need.

Sincerely,

Jerry A. Wright, Treasurer Southpark Baptist Church

March 28, 2010

OF THE CITY CLERK

To Whom It May Concern:

We are writing this letter to let you know that we have confidence in and support Mission Norman. We have supported the ministries of Mission Norman since their beginning. We believe in the ministries that they now perform and the ones that they desire to perform in the future for those in need here in Norman. We receive monthly reports from Mission Norman and believe that they will continue to excel in their present ministries and as they add the ministry of transitional housing for homeless families with children. Thank you for allowing us to share our support of Mission Norman with you and for all that you will do to enable them to expand their ministries.

Sincerely, John and Jolene Lyles 1703 Cruce Street Norman, OK 73069-4241 March 29, 2010

FILED IN THE OFFICE OF THE CITY CLERK ON 4-15-10

To Whom It May Concern:

It is my great pleasure to offer a recommendation on behalf of Mission Norman to the Norman City Council as a ministry in our community that is reputable and above reproach.

For the past two years I have had an opportunity to not only volunteer in Mission Norman's pantry, but also accompany some of their staff and volunteers to participate in weekly "block parties" held during the summer. These block parties, as well as weekly Bible studies and house churches in unreached areas of Norman, are the heart of Mission Norman. They have a big vision for reaching the lost and poor of our city, especially those living in apartment complexes, which are, for the most part, unchurched.

The directors of Mission Norman, Gene and Linda Barnes, are people of integrity. Reports are sent out monthly from Mission Norman which are very specific in detail, itemizing expenses, receipts, etc. I have complete confidence in their present-day ministries, as well as their desire to provide transitional housing for homeless families with children.

The City of Norman would be providing a great service to the community by doing everything in its power to ensure that Mission Norman be able to go forth in this new ministry to provide transitional housing for the homeless.

Sincerely,

Randi Byers 2415 Hollywood Ave. Norman, OK 73072



#### **Recommendation Letter for Mission Norman**

Monday, March 29, 2010 11:53 AM

From: "Keith Jacobs" <pastor@rpbc.info>

To: gene@missionnorman.org

#### To Whom it may Concern:

I have had numerous dealings with Mission Norman and their staff, and have always found them to be professional and sincere. As a church in the Union Baptist Association who supports the work of Mission Norman, I have continuously recieved monthly reports of their activity, informing me of current activities and future plans.

I truly view them as an asset for the community of Norman in the work that they are doing. They have always strived to develop good relations with those around them in their neighborhood. As they continue to grow, I anticipate that Mission Norman will have an even greater positive impact on the city of Norman, as they continue to help those who are less fortunate.

Rev. Keith Jacobs Pastor Regency Park Baptist Church Moore, OK 73160 7943507

FILED IN THE OFFICE OF THE CITY CLERK ON 4-15-10



(no subject)

Monday, March 29, 2010 6:39 AM

From: "Sooner1305@aol.com" <Sooner1305@aol.com>

To: genebarnes1935@prodigy.net

### To whom it may concern

My wife and I have confidence in Mission Norman,we have been receive monthly reports from Mission Norman and believe that Mission Norman will continue to excel with all of their present ministries along with the newly added ministry providing transitional housing for homeless families with children.

Larry and Ruby Leighton

FILED IN THE OFFICE OF THE CITY CLERK ON 4-15-10

FILED IN THE OFFICE OF THE CITY CLERK ON 4//5/10

### ALBERT PORTERFIELD 13024 SPRINGCREEK PARKWAY OKLAHOMA CITY, OK 73170

29 March 2010

TO WHOM IT MAY CONCERN

**RE: MISSION NORMAN MINISTRY** 

I have been associated with Mission Norman financially, physically, and Prayerfully for several years. I have known the Director, Gene Barnes and his wife Linda for at least 30 years. I have the greatest confidence in the direction Mission Norman is now undertaking. We all know the condition of our world today, with more people destitute without food and shelter. The Mission Norman has been, and continues to be a major source of food and financial support for the homeless folks in the Norman area. They desperately need to expand their present facility to provide Transitional Housing for homeless families with children. This would be an asset to the city of Norman, getting individuals and families off the streets.

My church, Sharon Baptist Church, Moore, OK 73160, has been, and continues to be, a major source of funds and other support to Mission Norman. As treasurer for the church, I have great confidence in Mission Norman to manage the resources they have been given.

I receive monthly reports from Mission Norman and provide copies to our church along with our monthly financial report. Our church has the ut-most confidence in Mission Norman also. We believe they have a calling to provide the ministries they are now ingaged in. I believe that Mission Norman will continue to excel with their present ministries along with the added ministry providing transitional housing for homeless families with children.

Sincerely,

Collect Afficiations

Albert Porterfield

33-49



**Norman City Council** 

Monday, March 29, 2010 11:57 AM

From: "Gerald Turner" <jurry424@gmail.com>

To: gene@missionnorman.org

### To Whom it may concern:

It is My privilege to write to You in support of Mission Norman, and the the work that They do in for the city of Norman. I have complete confidence in the directors and leaders of Mission Norman to continue doing an excellent job of helping those who are homeless and in need. Mission Norman provides more than just food, clothing and helps them find shelter, but gives to those families a reason and hope for living, and because of the care and compassion with which those Who work at Mission Norman provide is one of the reasons that the city of Norman is on the list of the top places to live in America. We should all stand behind and support Mission Norman; because it is the right thing to do for Our fellow man, and it may be one of our family members in need of support at some point. I do believe that there is a need of more housing for families in transition to a better life.

Thanks for caring

Gerald Turner jurry424@gmail.com 405-818-4594

FILED IN THE OFFICE OF THE CITY CLERK



letter

Tuesday, March 30, 2010 2:56 PM

From: "R Boyanton" <ourchurch@ymail.com>

To: gene@missionnorman.org

FILED IN THE OFFICE OF THE CITY CLERK ON 4-15-10

To whom it may concern:

I have every confidence in Mission Norman, their ministry is both effective and reputable. I receive monthly reports from Mission Norman and believe that Mission Norman will continue to excel with all of their present ministries along with the newly added ministry providing transitional housing for homeless families with children.

Our church will continue to both refer people to and support the ministry of Mission Norman.

Richard Boyanton, Pastor Town & Country Church 405-819-8484

OF THE CITY CLERK ON 4-15-10

To Whom It May Concern;

I have observed the activities of Mission Norman for several years. During that time I have been impressed with the total commitment to the mission of serving the homeless and the hungry in and around the City of Norman by Gene and Melinda Barnes. This commitment has spread to the staff and volunteers serving with Mission Norman.

I have confidence Mission Norman will continue this commitment to serve the homeless and hungry in the future. I totally give my support for the zoning request being sought by Mission Norman.

Thank you,

Larry Gardner 11300 Alameda Dr. Norman, Oklahoma 73026 405.329.5924

FILED IN THE OFFICE OF THE CITY CLERK ON 4/15/10

March 30, 2010

To Whom It May Concern:

I have been an observer and admirer of the work of Mission Norman for the last few years. I have kept up to date with their progress through their electronic newsletter, have visited their current facilities and personally know the Director and a Board member. The Director, Staff and Board of Mission Norman understand that commitment and perseverance are essential to achieving what they have been called to do. They have not surrendered their vision despite financial challenges, misunderstandings and criticism. Mission Norman will finish what they have started.

As the Chief Financial Officer and Senior Mortgage Banking Officer of a Norman based community bank, I've witnessed the positive impact on families when the dream of owning a home is realized and they become a contributing member of our wonderful city. As a Pastor's wife, I'm aware that meeting physical needs is only a part of the equation for sustainable success. As a former Treasurer for Food & Shelter for Friends, I'm knowledgeable of the services that are currently available in our city for families in crisis and the extent of unmet needs. As I think about these three opportunities and challenges together, I see Mission Norman as the one place in Norman that has developed a viable solution that is not just an idea – it is their daily work.

Mission Norman is capable of making even greater progress in assisting families in moving from crisis to confidence to independence with the completion of their expansion project. I whole-heartedly support their proposal and ask that you do as well.

Pamela N. Greening

## OF THE CITY CLERK ON 4-15-10



## Dale E. Ross Consulting

4001 N.W. 122<sup>nd</sup> Street/ No. 624/ Oklahoma City, OK 73120

Phone (580) 695-1409

Fax (888) 651-1866

March 30, 2010

To Whom It May Concern:

I am pleased to take this opportunity to write a letter in support of the efforts by Mission Norman, Inc. to expand its ministry to include providing transitional housing for homeless families with children in the Norman area. By receiving the appropriate municipal approvals to construct this housing on property it currently owns on East Lindsey, the organization will undoubtedly be performing a great service to some of Norman's most vulnerable citizens.

I have had the occasion to work with the Board of Directors and other leaders of Mission Norman as they developed a strategic plan for the future. I found the organization's leadership team to be extremely dedicated, caring, and ethical in their approach to their mission. These are people who are willing to devote countless hours to serving others with absolutely no thought of financial gain for themselves. Seldom have I seen such selfless dedication.

I continue to follow the efficiency with which they do their work through monthly reports that are provided to members of their Board and other interested parties. I would highly recommend that you see for yourself the magnitude and quality of their service by perusing some of these reports, if you have not already done so.

I have the utmost confidence in Mission Norman and believe that, with the support of the City of Norman, the organization will continue to excel with all of their present ministries along with the newly added ministry providing transitional housing for homeless families with children.

Very truly yours,

Dale E. Ross

# Sharon Baptist Church 628 Cass Ave. Moore, OK

FILED IN THE OFFICE OF THE CITY CLERK ON 4-15-10

March 30, 2010

To whom it may concern,

I would like to recommend the ministry of Mission Norman which is under the direction of Lawrence Barnes and his staff. Our church has contributed to this ministry in the past and always found them faithful and above board in their handling of funds and in their genuine concern for people.

They have a desire and dream of continuing to help those who are unable to help themselves. I think it would be a good and wise thing for this dream to continue to develop. You will not find hidden agendas of a misuse of funds in this ministry.

Thank you for considering the expansion of Mission Norman.

Respectfully,

Ray Sims Pastor My name is Ron Banks and I am sending you this letter in support of Mission Norman. About 1 ½ years ago my wife Liz and I were called to sell our service and contracting business of 18 years in Florida and move back home to Oklahoma. Moreover, we were called to relocate to Norman, Ok and to work with the homeless. We soon found ourselves volunteering at Mission Norman and have done so since January 2009.

Volunteering at a food pantry has illuminated so many things that I had taken for granted my entire life. Until you directly interact with the needy and homeless among us you can not appreciate what need truly is. What you and I consider problems are frivolous in comparison when you realize that there are so many, especially families with babies and small children trying to cope with everyday life while living on the street or in a car. After seeing this, it is impossible to not be humbled at every hot meal that you have. I hear recurring stories about the lack of shelter and transitional housing available in the area and the waiting lists for what there is. I hear what a stark difference there is between other services available and the caring services that Mission Norman provide. I witness the changed lives of those that come in seeking something to eat and then leave having received spiritual sustenance in addition to food. Often someone comes by at a later time just to say thanks for providing a turning point in their lives. The most difficult part is having to send someone away who has children, with only food, who has nothing and no place to go.

We came to Mission Norman looking for a means by which we could help homelessness. We stayed because we couldn't imagine a more sincere and righteous effort in another setting. We have come to know the volunteers within and outside of the Mission and we have no doubt that we were led to this particular ministry. We are so sure, in fact, that we just recently purchased a home even closer to the Mission and look forward to seeing the development of the new homeless shelter in our neighborhood. This organization is ran with a level of integrity and charitable giving in a way that is rarely seen in modern society. They provide ministry and compassion to whoever walks through the door, turning no one away. Mission Norman has an excellent reputation in the community and more importantly by those in need in the area. I am told by many that they were referred by several organizations to Mission Norman for help. Mission Norman has excelled in several areas of ministry since 1998 and I have no doubt that they will continue to do so as they expand into helping homeless families. I strongly urge you to support this worthy cause.

Walking in Christ,

Ron Banks

FILED IN THE OFFICE OF THE CITY CLERK ON 4/29/10



House of Representatives

STATE OF OKLAHOMA

**DISTRICT 44** 

April 19, 2010

COMMITTEES:

Rules Committee, Vice Chair

**Education Committee** 

Higher Education & Career Tech Subcommittee

Joint Special Committee on International Development

### Home Phone: (405) 321-0505

2300 N. Lincoln Blvd. Oklahoma City, OK 73105-4885

(405) 557-7323

1-800-522-8502 Fax: (405) 557-7351

Email: billnations@okhouse.gov

#### To the Mayor and Council of Norman:

I am writing to support Mission Norman, Inc. in expanding its ministry of providing food for the needy to include transitional housing for homeless families with children. Mission Norman has a history of service to our community. Director Gene Barnes and his wife, Linda, have demonstrated their ability to responsibly manage this operation and have guided this proposal from conception to design and through the Norman Planning Commission.

As former mayor of Norman, I understand the challenges in evaluating land uses and zoning laws. In this case I believe any impact on the neighborhood or on traffic has been mitigated. The benefits to the citizens of Norman far outweigh any potential neighborhood or traffic concerns. I appreciate your thoughtful consideration.

Sincerely,

Bill Nations

cc: Gene Barnes Jerry Worster

> FILED IN THE OFFICE OF THE CITY CLERK ON 4/22/16

#### SCOTT C. MARTIN State Representative House District 46

State Capitol Building

2300 North Lincoln Boulevard Oklahoma City, OK 73105

Phone Number: 405-557-7329 Email: scott.martin@okhouse.gov

Room 335

STUD STUDY OF ORDINARY OF THE PROPERTY OF THE

**Committees:** 

Vice Chairman-Appropriations & Budget

General Government

Government Modernization

May 3, 2010

Norman City Council 201 West Gray Street Norman, OK 73069

Dear City Council Members:

I hope this letter finds you well! It is my hope that you will give great consideration to Mission Norman's request for re-zoning approval. It has come to my attention that this issue will be on your May 11<sup>th</sup> agenda.

I have received quite a bit of information about this special program and am confident that this will be a great asset to Norman and the surrounding communities. I don't need to tell you about the gravity of homelessness in our community. This proposal is unique in that is meets the special need required for families needing shelter.

I live about 1  $\frac{1}{2}$  miles to the South of the proposed re-zoning and will be honored to call them neighbor if approved.

If I can be of any assistance in your decision, please feel free to contact me.

Sincerely,

Scott C. Martin State Representative FILED IN THE OFFICE OF THE CITY CLERK ON 5-3-10

SM:mb

## David Edwards

1001 MOCKINGBIRD LANE NORMAN, OK 73071 davidsadwards@riverchurchnorman.org
405 414 9965



FILED IN THE OFFICE OF THE CITY CLERK ON 4-15-10

To Whom It May Concern:

I am writing to give my recommendation to the City Counsel of Norman along with the Planning Commission to approve the Mission Norman Center on E Lindsey, Norman for rezoning that will facilitate their service to homeless and needy families in our community.

I have known the leadership and ministry of Mission Norman for nearly 5 years. I receive their monthly reports. I believe they will provide a much needed service to our community by specializing in the unique and challenging needs of transitional and homeless families, especially those with children.

Sincerely,

David S Edwards River Church Norman, Oklahoma

#### To Whom It May Concern:

Mission Norman is an organization which serves many of the needs of our community.

This organization has functioned in our city for several years, growing in its outreaches and capabilities each year. It's outreach to the less fortunate brings hope when hope is in short supply.

Mission Norman has demonstrated excellent stewardship, providing assistance to an incredible number of people month after month with limited funds. Mission Norman also is an accountable ministry, sending out monthly reports of it's activities.

The vision of being able to offer transitional housing to homeless families is in response to a tremendous need in Norman. To simply hope this need will go away will not work. For our great city to allow and even to endorse this endeavor will be a giant step ahead in recognizing a problem and providing a solution to it.

Sincerely,

Fred M. Greening, Pastor Goldsby Baptist Church

OF THE CITY CLERK ON 4-15-10

#### To Whom it May Concern:

I wanted to write a letter of strong support for "Mission Norman." This ministry to the homeless of Norman in particular and the City of Norman in general is invaluable.

This is a ministry that represents the full concerns of Jesus for the mind, body, and soul of human beings. As a Christian pastor serving a church in the community I am so encouraged to see the great work of the servants and leaders of Mission Norman. Because I personally receive monthly email reports of the ministry I have no doubt that this great work will continue to be a benefit to our community and to people for years to come. Finally, I have met Gene Barnes and can personally vouch for his personal integrity, Christian passion and sincere desire to serve the homeless.

If this ministry should be provided transitional housing for homeless families with children the benefits to our community and people will not only continue but will excel to new levels of service to the less fortunate. Indeed, it is not a stretch to say that the life and death errand of Mission Norman will rescue many young children and give them a shot at faith, hope, and love in their lives and in the world. What a great cause!

If you have any questions please feel free to contact me for additional information.

Sincerely,
Pastor Joshua Gutteridge
New Life Bible Church
3434 N. Flood
Norman, OK 73069
www.nlbc.org
jgutteridge@gmail.com
405-329-3101 ext .117

OF THE CITY CLERK ON 4-15-10

FILED IN THE OFFICE OF THE CITY CLERK ON 4-15-10

To whom it may concern,

I am the pastor of Slaughterville Baptist church and I am writing this letter in reference to the work that Mission Norman is doing in the city of Norman. Slaughterville Baptist church has been involved with Mission Norman for about three years. We believe that it would be in the city of Norman's best interest to continue working with them to provide future services to the people of the city. Mission Norman has been instrumental in the ministry of our church as well as many churches in the Norman area. They have been a huge support to thousands of Norman residents as well. I know this because of the monthly financial statements and progress reports they send to our church. Mission Norman provides services in places and to people who otherwise would possibly be forgotten. I hope the city of Norman will continue to work with Mission Norman to provide their services to the community for many years to come.

In His loving service,

Pastor, Greg Mack

#### Application Summary.

Applicants are seeking a preliminary plat, a *Norman* 2025 Land Use Plan amendment, and to rezone a 5.75-acre parcel from the current A-2 to PUD for church and residential use. The current *Norman* 2025 Land Use Plan designation is Low Density Residential.

#### Applicant's Opportunity.

The applicant, Mission Norman, is seeking to redevelop this 5.75-acre parcel into a worship and fellowship complex, food pantry, clothes closet, and cluster of apartments to be used as transitional housing for homeless families. The parcel currently has a single-family house which is being used as a Mission Norman church building.

#### Uses of the Mission Facility

Applicants' architect described the proposed site layout. He emphasized that only the mission/church building and a small barn/greenhouse will be visible from Lindsey Street. The residential component of the site will be gated, located at the rear of the site, and heavily landscaped for privacy. The north property line will be enclosed by a stockade fence. The barn will be masonry clad per City code and will used for storing maintenance equipment and for vocational training of residents in landscape professions.

The mission building proper will include offices, a food pantry, a clothes closet, small private dental clinic, a sanctuary and fellowship facilities. There will be outdoor play areas on-site with a small children's play structure.

#### Drainage

There is a utility easement along the northern edge of the property. This will double as a stormwater detention area and as open space for children's play.

#### Residential Units

Mission Norman will target homeless families in this facility. Residents may live in these units for up to 2 years as they are prepared for home occupancy elsewhere. These will be 2 bedroom and 3 bedroom units.

Neighbors' Comments. Neighbors and interested citizens had few comments on this proposal.

Neighbor to the east said she wasn't opposed to the development; she wondered how the development would affect her property values. She was somewhat concerned about possible runoff issues along the northern edge of the property.

Neighbor in notification area but not immediately adjacent wondered about how this might affect his ability to run cattle on his land. Staff suggested this development would have little to no affect on his operation.

Applicant

Mission Norman

Location

2525 E. Lindsey Street

Case Number

PD 09-28

Time

6:30-7:00 PM

Attendee	Stakeholder	Address	Phone
Gene and Linda Barnes	Co-applicants	3404 Fireside Street	329-7272
Jerry Worster	Co-applicant	132 N. Santa Fe	329-5961
David Cottingham	Applicants' architect	7505 Laramie Road	329-9236
Sean Rieger	Applicants' attorney	132 Thompson Drive	701-0200
Charles and Janet Davis	neighbors	2601 E. Lindsey	360-0642
Walt and Isobel Knoepfli	neighbors	909 24 <sup>th</sup> Ave SE	321-4804
Allen Edson	Interested citizen	828 N. Markwell Ave	596-7925
James and Barbara Anderson	Interested citizens	4221 Country Club Terrace	329-0615
Larry Gardner	Interested citizen	11300 Alameda Drive	329-5924
David O. Hess	Interested citizen	800 Lexington St, Lot 194	701-1403
Dennis M. Mina	Interested citizen	1404 Biltmore Ct	310-6768
Greg?	Interested citizen		844-5601
Hayden Burleson	Interested citizen	2440 Butler	814-3582
Dave Karr	Interested citizen	421 Willow Branch Road	360-3272
David Davis	Interested citizen	3100 Little Pond Road	203-9636
Sandy and Clayton Duncan	Interested citizens	814 Creston Way	443-4893
Jessica Reynolds	Interested citizen	324 E. Boyd #2	707-6757
Michael Hatcher	Interested citizen	324 E. Boyd #2	707-6757
Susan Atkinson	City facilitator		366-5441
Doug Koscinski	City advisor		366-5344
Leah Bunney	City Attorney's office		366-7748

34. ITEM: CONSIDERATION OF A PRELIMINARY PLAT FOR MISSION NORMAN ADDITION, A PLANNED UNIT DEVELOPMENT.

LOCATION: Located at 2525 East Lindsey Street.

#### INFORMATION:

- 1. Owner. Mission Norman, Inc.
- 2. <u>Developer</u>. Mission Norman, Inc.
- 3. Engineer. JTK Engineering Company.

#### HISTORY:

- 1. Refer to the Planning Commission Staff Report, March 11, 2010.
- 2. <u>April 27, 2010</u>. City Council, by a vote of 9-0, postponed the preliminary plat for Mission Norman, a Planned Unit Development, until May 11, 2010.
- 3. March 11, 2010. Planning Commission, by a vote of 9-0, recommended to City Council the NORMAN 2025 Land Use and Transportation Plan be amended to place this property in Medium Density Designation and be removed from Low Density Designation.
- 4. March 11, 2010. Planning Commission, by a vote of 9-0, recommended to City Council that this property be placed in PUD, Planned Unit Development District, and removed from A-2, Rural Agricultural District.
- 5. <u>March 11, 2010</u>. Planning Commission, by a vote of 9-0, recommended that the preliminary plat for Mission Norman, a Planned Unit Development, be approved.

#### IMPROVEMENT PROGRAM:

1. Refer to the Planning Commission Staff Report, March 11, 2010.

#### PUBLIC DEDICATIONS:

- 1. Refer to the Planning Commission Staff Report, March 11, 2010.
- SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum; location map; preliminary site development plan; preliminary plat; and Staff Report recommending approval are included in the Agenda Book and pertinent excerpts from Planning Commission minutes are included in Item 33.
- ACTION NEEDED: Motion to approve or reject the preliminary plat for Mission Norman Addition, a Planned Unit Development.

ACTION TAKEN:	



Date:

March 30, 2010

To:

Honorable Mayor and Councilmembers

From:

Angelo Lombardo, Traffic Engineer

Ken Danner, Development Manager

Subject:

Agenda Item – Preliminary Plat for Mission Norman Addition,

a Planned Unit Development

#### **BACKGROUND**:

This item is a preliminary plat for Mission Norman Addition, a Planned Unit Development (PUD) and is located at 2525 East Lindsey Street. This property consists of approximately 3.77 acres and one (1) lot.

Planning Commission, at its meeting of March 11, 2010, recommended to City Council the amending of the NORMAN 2025 Land Use and Transportation Plan from Low Density Residential to Medium Density Residential designation and that this property be placed in Planned Unit Development and removed from A-2 zoning classification. Planning Commission, at its meeting of March 11, 2010, recommended approval of the preliminary plat for Mission Norman Addition, a Planned Unit Development.

#### **DISCUSSION:**

The Mission Norman development, which is a transitional housing and worship facility, in this preliminary plat is proposed for a location near the intersection of Lindsey Street and 24<sup>th</sup> Avenue SE. This mixed use development is expected to generate approximately 400 trips per day or 36 peak hour trips. As such, the trip generation potential for this development is well below the threshold for when a traffic impact study is required. The traffic capacity on the affected roadways exceeds the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated on these facilities.

STREET	NO. OF LANES	EXISTING TRAFFIC (Veh/day)	PROJECTED TRAFFIC * (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
Lindsey Street	2	2,792	400	3,192	17,100	16.33	18.67
24 <sup>th</sup> Avenue SE	2	10,442	160	10,602	17,100	61.06	62.00

<sup>\*</sup> The distribution of site traffic was assumed to be 60 percent along Lindsey Street and 40 percent along 24<sup>th</sup> Avenue SE. However, 100 percent of the site traffic will utilize Lindsey Street as the only site access is to be located along Lindsey Street.

Public improvements for this property consist of the following:

- 1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.
- 2. Sanitary Sewer. A sanitary sewer main will be extended from the south to serve this property and will be installed in accordance with approved plans and City and Department of Environmental Quality standards.
- 3. Sidewalks. Sidewalks will be constructed adjacent to East Lindsey Street.
- 4. Drainage. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Privately maintained detention facilities will be constructed for the conveyance of storm water.
- 5. Streets. East Lindsey Street will be constructed as an arterial street in accordance with approved plans and City paving standards.
- 6. Water Mains. Water mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards to serve proposed fire hydrants. There is an existing twelve-inch (12") water main adjacent to East Lindsey Street.
- 7. Public Dedications. Required right-of-way and easements will be dedicated with the final plat.

#### **RECOMMENDATIONS:**

Based upon the above information, staff recommends approval of the preliminary plat for Mission Norman Addition, a Planned Unit Development, subject to City Council's approval of Resolution No. R-0190-95 and Ordinance No. O-0910-24.

tf

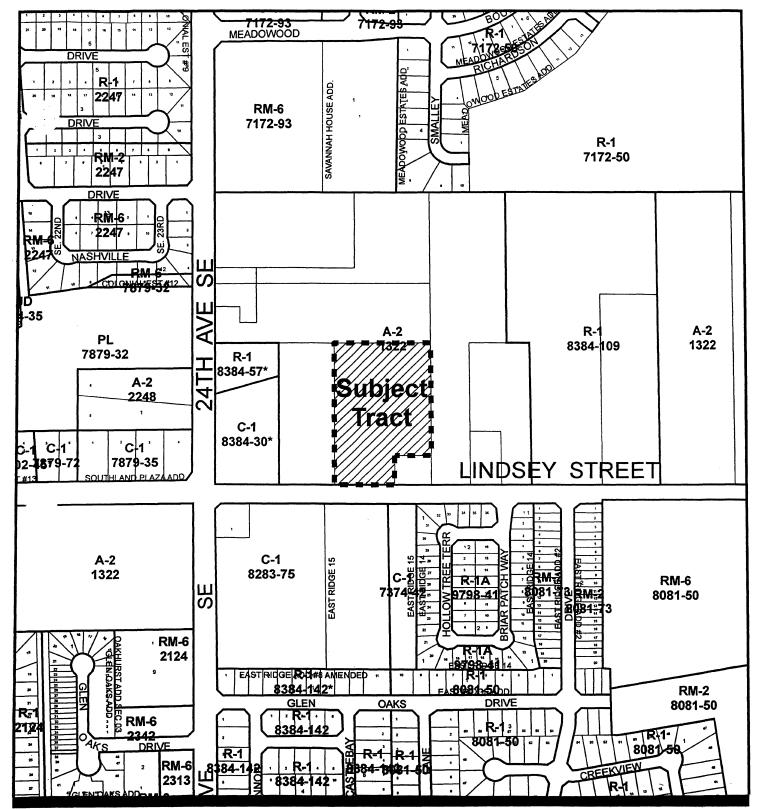
Reviewed by: Shawn O'Leary, Director of Public Works

Ken Komiske, Director of Utilities

Susan Connors, Director of Planning and Community Development STC

Jeff Bryant, City Attorney Steve Lewis, City Manager

34-2

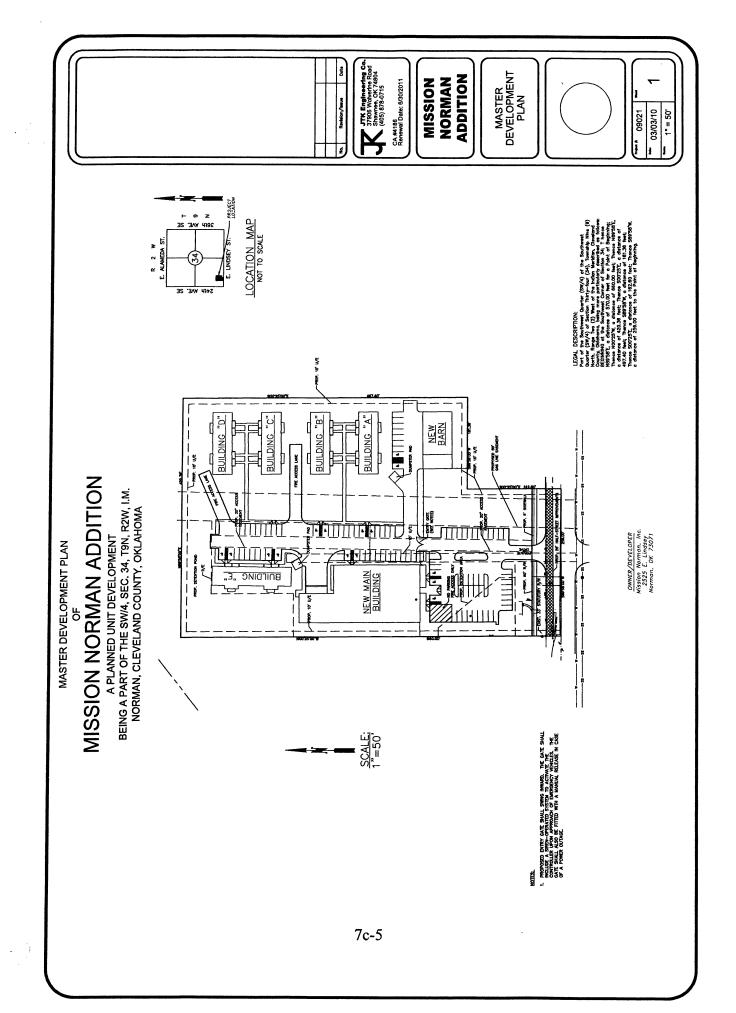


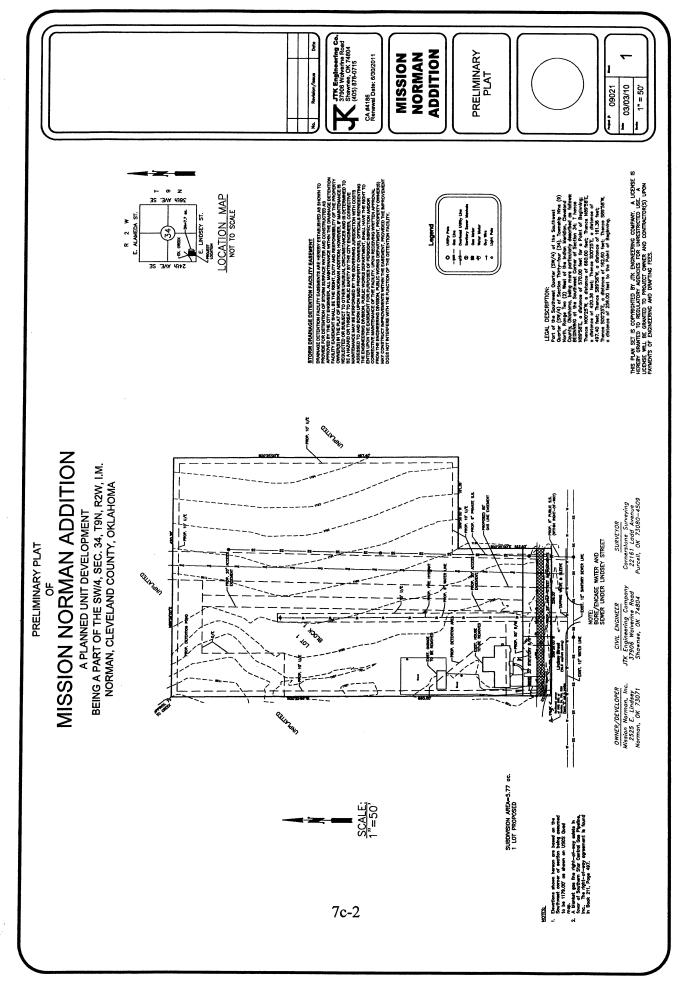
PRELIMINARY PLAT - MISSION NORMAN ADDITION

OWNER/DEVELOPER: ENGINEER:

Mission Norman, Inc.
SMC Consulting Engineers

7c-1 34-3





#### PRELIMINARY PLAT

ITEM NO. 7c

#### **STAFF REPORT**

ITEM: Consideration of a Preliminary Plat for MISSION NORMAN ADDITION.

**LOCATION:** Located at 2525 East Lindsey Street.

#### **INFORMATION:**

1. Owner. Mission Norman, Inc.

2. <u>Developer</u>. Mission Norman, Inc.

3. Engineer. JTK Engineering Co.

#### **HISTORY:**

- 1. October 30, 1961. Planning Commission recommended approval of the request to place this property in A-2 zoning classification.
- 2. <u>December 12, 1961</u>. City Council adopted Ordinance No. 1322 placing this property in A-2 zoning classification.
- 3. March 11, 2010. The owner has made a request to amend the NORMAN 2025 Land Use and Transportation Plan from Low Density Residential to Medium Density Residential Designation.
- 4. March 11, 2010. The owner has made a request placing this property in a Planned Unit Development (PUD) and removing it from A-2 zoning classification.

#### **IMPROVEMENT PROGRAM:**

- 1. <u>Fire Hydrants</u>. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.
- 2. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.
- 3. <u>Sanitary Sewers</u>. A sanitary sewer main will be extended to serve this property and will be installed in accordance with approved plans and City and Department of Environmental Quality standards.

#### IMPROVEMENT PROGRAM, con't:

- 4. Sidewalks. Sidewalks will be required adjacent to East Lindsey Street.
- 5. <u>Storm Sewers</u>. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Privately maintained detention facilities will be utilized.
- 6. <u>Streets</u>. East Lindsey Street will be constructed as an arterial street to City paving standards and specifications.
- 7. <u>Water Mains</u>. There is an existing 12-inch (12") water main on the south side of East Lindsey Street. Water lines will be installed internally to serve proposed fire hydrants.

#### **PUBLIC DEDICATIONS:**

- 1. Easements. All required easements will be dedicated to the City on the final plat.
- 2. Rights-of-Way. All street rights-of-way will be dedicated to the City on the final plat.
- **SUPPLEMENTAL MATERIAL:** Copies of a location map, preliminary plat, site plan, and letter of request to waive alley requirements are included in the Agenda Book.
- **STAFF COMMENTS AND RECOMMENDATION:** The owners have submitted a preliminary plat in order to build a proposed church facility and residential structures as missionary work. Staff recommends approval of the preliminary plat for Norman Mission Addition subject to approval of the Land Use change and rezoning.

ACTION NEEDED: Recommend ap	proval or disapproval	of the preliminary	plat for Mission Normar
Addition to City Council.			

ACTION TAKEN:	
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35. ITEM: CONSIDERATION OF A PRELIMINARY PLAT FOR FOUNTAIN VIEW ADDITION (FORMERLY WINDSTONE FARMS ADDITION).

LOCATION: Generally located on the east side of 48th Avenue N.W. approximately 1,500 feet south of West Tecumseh Road.

#### INFORMATION:

- 1. Owner. SKS1, L.L.C., and Southwest Capital Group, L.L.C.
- 2. Developer. SKS1, L.L.C., and Southwest Capital Group, L.L.C.
- 3. Engineer. SMC Consulting Engineers, P.C.

#### HISTORY:

- 1. Refer to the Planning Commission Staff Report, April 8, 2010.
- 2. <u>August 5, 2004</u>. The Norman Board of Parks Commissioners, by a vote of 7-0, recommended a fee in lieu of parkland dedication requirements.
- 3. September 28, 2004. City Council, by a vote of 7-2, adopted a revised preliminary plat for Windstone Farms Addition, which was amended to require no building permits to be issued in the flood plain area without Federal Emergency Management Agency (FEMA) approval of the Ten Mile Flat Creek Flood Plain Study and the applicant would accept existing drainage from Cascade Estates Addition and hold harmless any damages that would occur.
- 4. November 20, 2009. The approval of the preliminary plat became null and void.
- 5. <u>April 8, 2010</u>. Planning Commission, by a vote of 8-0, recommended to City Council that the preliminary plat for Fountain View Addition be approved. (Re-approval)

#### IMPROVEMENT PROGRAM:

1. Refer to the Planning Commission Staff Report, April 8, 2010.

#### PUBLIC DEDICATIONS:

- 1. Refer to the Planning Commission Staff Report, April 8, 2010.
- SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum; location map; preliminary plat; Staff Report recommending approval; Traffic Impact Analysis; and pertinent excerpts from Norman Board of Parks Commissioners and Planning Commission minutes are included in the Agenda Book.
- ACTION NEEDED: Motion to approve or reject the preliminary plat for Fountain View Addition (formerly Windstone Farms Addition) subject to receipt of the Traffic Impact Fee in the amount of \$4,177.47.

ACTION TAKEN:	



**Date**: April 19, 2010

To: Honorable Mayor and Councilmembers

From: Angelo Lombardo, Traffic Engineer

Ken Danner, Development Manager L.D.

**Subject**: Agenda Item – Preliminary Plat for Fountain View Addition

(Formerly approved as Windstone Farms Addition.)

#### **BACKGROUND:**

The Fountain View Addition is a 201-lot single-family subdivision proposed on the east side of 48<sup>th</sup> Avenue NW approximately 1,500 feet south of West Tecumseh Road. The property consists of 77.18 acres under the control of two property owners. This item is a re-approval of a preliminary plat for Fountain View Addition (formerly called Windstone Farms Addition) that was originally approved by City Council on September 28, 2004. Under Section 19-305 of the Norman City Code, preliminary plats are valid for a period of three years from the date of approval, and may be extended an additional two years with the filing of a final plat. Normally the period of validity for this Addition would extend through September 28, 2007. However, due to controversy involving a companion rezoning item, the period of validity was extended to November 26, 2009. A memorandum from the City Legal Department is included in this item that discussed the extension of the validity period.

Even with the extended validity period, no final plat has been submitted or filed, in part due to other issues related to a sanitary sewer solution for the project. The applicant is now moving forward seeking re-approval of the preliminary plat in substantially the same form as was originally approved by City Council in 2004, except during the latest review of the preliminary plat prior to Planning Commission, it was determined a required fifty-foot (50') pipeline easement be utilized on the northern boundary of the plat rather than the thirty-foot (30') pipeline easement. The increase in easement width is included in the current submittal and would be considered a minor change that involves a greater public easement dedication than was previously approved. There are no significant changes to the plat compared to the one approved in 2004.

Planning Commission, at its meeting of April 8, 2010, on a vote of 8-0, recommended to City Council that the preliminary plat for Fountain View Addition be approved. The item was not resubmitted to the Norman Board of Parks Commissioners since this was a re-approval and, at its meeting of August 5, 2004, it was recommended that a fee in lieu of parkland be accepted for this project.

#### **DISCUSSION:**

The Fountain View Addition is a 201-lot single-family subdivision. This development is expected to generate approximately 1,967 trips per day or 196 peak hour trips. As such, the trip generation potential for this development is above the threshold for when a traffic impact study is normally required. However, this area was recently studied by another project and requiring a

traffic impact study would not yield any new information. Rather, the level of responsibility from the previous traffic study (J&J Properties) will be utilized to assess the responsibility for signalizing the intersection of 48<sup>th</sup> Avenue NW with Tecumseh Road. The traffic capacity on the affected roadways exceeds the demand for existing and proposed trips as a result of this development.

STREET	NO. OF LANES	PROPOSED DEVELOPMENT (Veh/day)*	EXISTING TRAFFIC (Veh/day)**	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
Tecumseh Road	4	492	9,063	9,555	34,200	26.50	27.94
48 <sup>th</sup> Avenue NW	2	492	9,665	10,157	17,100	56.52	59.40

The distribution of site traffic was assumed to be 50 percent through the intersection of 48<sup>th</sup> Avenue NW with Tecumseh and equally split between the two roadways.

The J&J Properties traffic study determined that 64 % of the costs associated with the signalization of the 48<sup>th</sup> Avenue NW and Tecumseh Road intersection were attributable to development related sources. For the \$150,000 anticipated design and construction costs for this project, \$96,000 would be contributed by development related sources. From the total traffic using the intersection in the J&J Properties traffic study, there are 1,121 peak hour, development responsible trips. Adding the Fountain View traffic to this number will allow the determination that the Fountain View project contributes 4.35% of the development responsible traffic through this intersection. Applying this percentage to the \$96,000 development share of the signalization costs for the intersection yields traffic impact fees attributable to the Fountain View project of \$4,177.47. This equates to \$21.31 per peak hour trip. It is recommended that this fee be collected in lieu of requiring a new traffic study.

Public improvements for this property consist of the following:

- 1. <u>Fencing</u>. Fencing is required adjacent to 48<sup>th</sup> Avenue NW for lots siding or backing up to the minor arterial.
- 2. <u>Fire Hydrants</u>. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.
- 3. <u>Drainage</u>. Storm sewer and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. A fee in lieu of detention will be required prior to filing the final plat. When originally approved, storm water drainage issues were raised by those living in the Cascade Addition and surrounding areas. The original City Council approval required the developer to allow for the existing drainage. The engineer for the developer proposes to collect the storm water runoff from Cascade Estates additions and utilize drainage flumes to channel the storm water to an outlet into the street system as part of the overall drainage solution for Fountain View additions. These improvements will be part of the construction plans that will be submitted with final plat for Fountain View additions.

<sup>\*\*</sup> This includes traffic from the proposed J&J Properties development.

In addition, concerns were raised about the impact of storm water drainage from the Addition on the Ten Mile Flat Creek drainage area. The original City Council approval required that no building permits be issued in the flood plain area without Federal Emergency Management Agency (FEMA) approval of the Ten Mile Flat Creek Flood Plain Study. Since that time a Conditional Letter of Map Revision (CLOMR) for the Ten Mile Flat area was adopted by City Council on August 12, 2008, and this property has been removed from the City of Norman Digital Flood Insurance Rate Maps (DFIRM). Therefore none of the property is located in the flood plain.

- 4. <u>Permanent Markers</u>. Permanent markers will be installed prior to filing of the final plats.
- 5. <u>Sanitary Sewer</u>. Sanitary sewer mains will be installed in accordance with approved plans and City and State Department Quality standards. An off plat sanitary sewer line will be required in order to serve this property.
- 6. <u>Sidewalks</u>. Sidewalks will be constructed on each lot prior to occupancy. Sidewalks will be installed adjacent to 48<sup>th</sup> Avenue NW.
- 7. <u>Streets</u>. Streets will be constructed in accordance with approved plans and City paving standards. Staff will recommend deferral of street improvements for 48<sup>th</sup> Avenue NW.
- 8. <u>Traffic Signal</u>. The developer is required to participate in the signalization and improvement to the intersection of Tecumseh Road with 48<sup>th</sup> Avenue NW.
- 9. Water Mains. Water mains will be installed in accordance with approved plans and City and State Department of Environmental Quality standards. A twelve-inch (12") water line will be extended to Tecumseh Road to connect to an existing twelve-inch (12") water main. Also, and eight-inch (8") water line will connect to an existing water main in Cascade Estates Addition, Section 7, a Planned Unit Development, providing looped systems.
- 10. <u>Public Dedications</u>: All rights-of-way and easements will be dedicated to the City with final platting.

#### **RECOMMENDATION:**

Based upon the above information and the fact that this is a reapproval of a previously approved preliminary plat, staff recommends approval of the preliminary plat for Fountain View Addition.

tf

Reviewed by: Shawn O'Leary, Director of Public Works

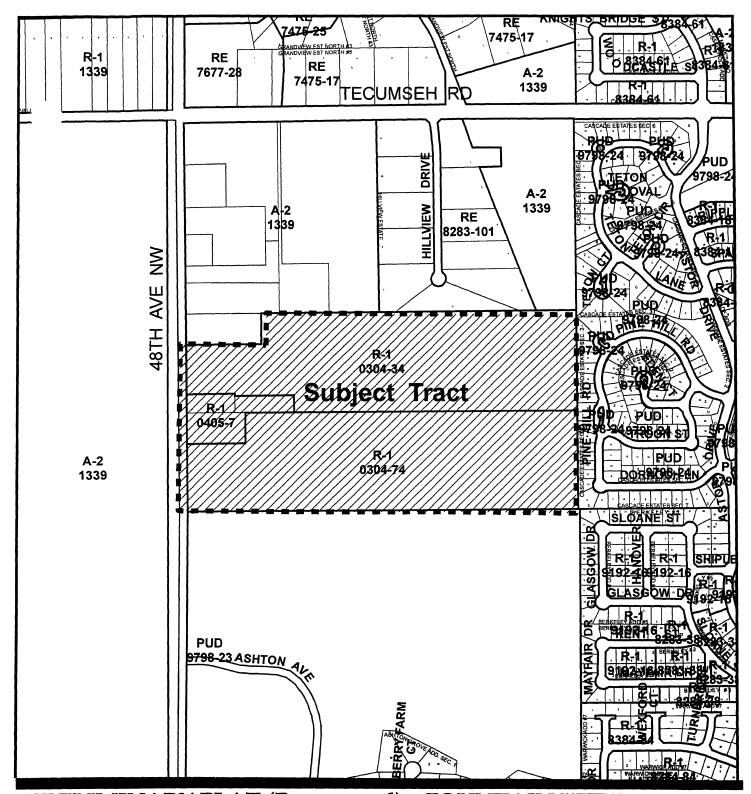
Susan Connors, Director of Planning and Community Development 570

Ken Komiske, Director of Utilities Kken Co-

Jeff Bryant, City Attorney

Steve Lewis, City Manager

35-3



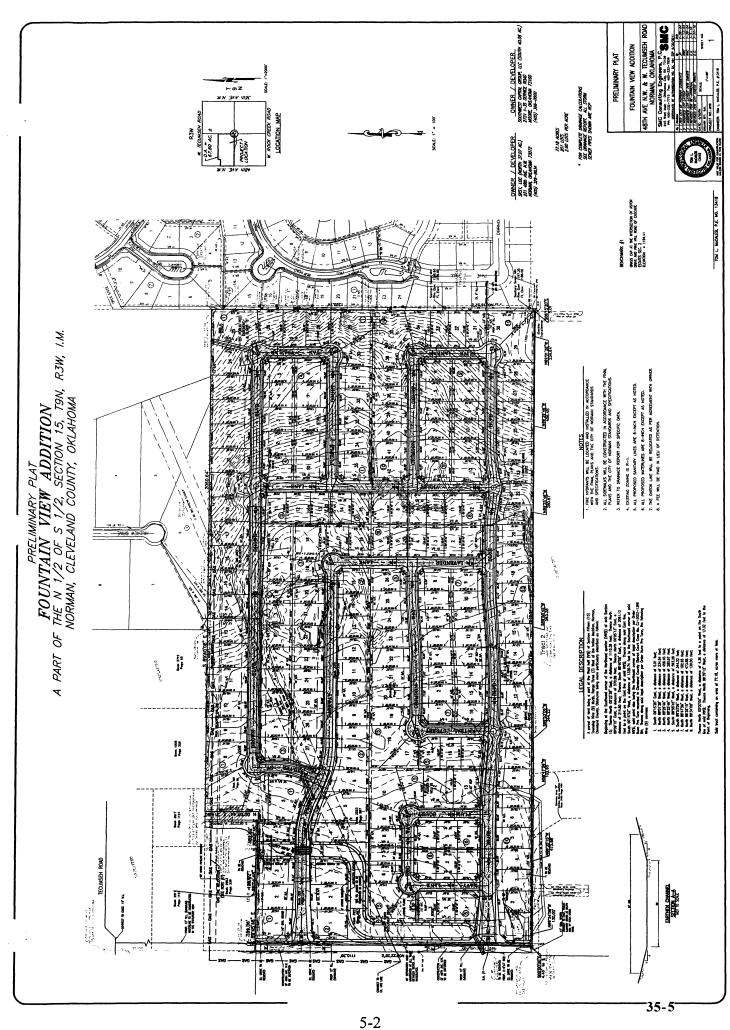
PRELIMINARY PLAT (Reapproval) - FOUNTAIN VIEW ADDITION (WINDSTONE FARMS)

OWNER/DEVELOPER:

SKS1, LOC and Southwest Capital Group, L.L.C.

**ENGINEER:** 

SMC Consulting Engineers, P.C.



#### PRELIMINARY PLAT

ITEM NO. 5

#### **STAFF REPORT**

ITEM: Consideration of a PRELIMINARY PLAT FOR FOUNTAIN VIEW ADDITION (FORMERLY APPROVED AS WINDSTONE FARMS ADDITION)(REAPPROVAL).

**LOCATION:** Generally located on the east side of 48<sup>th</sup> Avenue NW and approximately 1,500 feet south of West Tecumseh Road.

#### **INFORMATION:**

- 1. Owners. SKS1, LLC and Southwest Capitol Group, LLC.
- 2. <u>Developer</u>. SKS1, LLC and Southwest Capitol Group, LLC.
- 3. Engineer. SMC Consulting Engineers, P.C.

#### **HISTORY:**

- 1. <u>June 12, 1962</u>. City Council adopted Ordinance No. 1320 annexing and placing this property in A-2 zoning classification.
- 2. <u>December 4, 2003</u>. The Norman Board of Parks Commissioners recommended fee in lieu of park land requirements.
- 3. <u>December 11, 2003</u>. Planning Commission, on a vote of 5-2, recommended to City Council that a portion of this property be placed in R-1 and removed it from A-2 zoning classification.
- 4. <u>December 11, 2003</u>. Planning Commission, on a vote of 5-2, recommended approval of the preliminary plat for Windstone Farms Addition. The preliminary plat consisted of northern portion of the property.
- 5. January 22, 2004. City Council postponed Ordinance No. O-0304-34 indefinitely.

#### HISTORY (con't):

- 6. May 5, 2004. Flood Plain Permit Committee approved Flood Plain Permit No. 366 relating to the 1979 flood map for this area as adopted by City Council. The 1997 FEMA maps do not impose flood plain on this property. Therefore, the flood plain permit relates to the City's authorization.
- 7. May 6, 2004. The Norman Board of Parks Commissioners, on a vote of 7-0, recommended fee in lieu of park land for the enlarged preliminary plat for Windstone Farms Addition.
- 8. May 13, 2004. A rezoning request and preliminary plat were postponed at the request of the applicant.
- 9. <u>June 10, 2004</u>. A rezoning request and preliminary plat were postponed at the request of the applicant.
- 10. <u>July 8, 2004</u>. Planning Commission, on a vote of 8-0, recommended to City Council that a portion of this property be placed in R-1 and removed from A-2 zoning classification.
- 11. <u>July 8, 2004</u>. Planning Commission, on a vote of 8-0, recommended to City Council that the revised preliminary plat for Windstone Farms Addition be approved.
- 12. <u>July 20, 2004</u>. Flood Plain Permit Committee approved the amended Flood Plain Permit No. 366.
- 13. <u>August 5, 2004</u>. The Norman Board of Parks Commissioners, on a vote of 7-0, recommended fee in lieu of park land for the revised preliminary plat for Windstone Farms Addition that now includes two (2) additional parcels.
- 14. <u>August 12, 2004</u>. Planning Commission, on a vote of 6-2, recommended to City Council that a portion of this property be placed in R-1 and removed from RE and A-2 zoning classification.
- 15. <u>August 12, 2004</u>. Planning Commission, on a vote of 6-2, recommended to City Council that the preliminary plat for Windstone Farms Addition be approved.
- 16. <u>September 28, 2004</u>. City Council adopted Ordinance No. O-0304-34 placing a portion of this property in R-1 and removing it from A-2 zoning classification.

#### **HISTORY** (con't):

- 17. <u>September 28, 2004</u>. City Council adopted Ordinance No. O-0304-74 placing a portion of this property in R-1 and removing it from A-2 zoning classification.
- 18. <u>September 28, 2004</u>. City Council adopted Ordinance No. O-0405-7 placing a portion of this property in R-1 and removing it from RE and A-2 zoning classifications.
- 19. <u>September 28, 2004</u>. City Council approved the preliminary plat for Weight details.
- 20. October 14, 2004. Planning Commission, on a vote of 7-0, postponed the final plats for Fountain View Addition, Section 1 and Section 2, for one (1) month.
- 21. November 10, 2004. Planning Commission, on a vote of 8-0, postponed the final plats for Fountain View Addition, Section 1 and Section 2, indefinitely at the request of staff.
- 22. November 20, 2006. Referendum Petition was finally resolved in Course. rezoning and preliminary plat were upheld upon this date.
- 23. November 20, 2009. The approval of the preliminary plat became null and void.

#### **IMPROVEMENT PROGRAM:**

- 1. <u>Fire Hydrants</u>. Fire hydrants will be installed in accordance with approved proved. Their locations have been approved by the Fire Department.
- 2. <u>Permanent Markers</u>. Permanent markers will be installed prior to filing of the final plat.
- 3. <u>Sanitary Sewers</u>. Sanitary sewer mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards. An off plat sanitary sewer main will be installed to serve this development.
- 4. <u>Sidewalks</u>. Sidewalks will be constructed on each lot prior to occupancy. Staff recommends deferral of sidewalks adjacent to 48<sup>th</sup> Avenue NW.
- 5. Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Because the location of the property is within the drainage basin, it has been determined that a fee in lieu of detention would be more appropriate.

- 6. <u>Streets</u>. Streets will be constructed in accordance with approved plans and City paving standards. Staff recommends deferral of street improvements for 48<sup>th</sup> Avenue NW with final platting.
- 7. Water Mains. Water mains will be installed in accordance with approved plans and City and State Department of Environmental Quality standards. An off-plat 12-inch water main will need to be extended and connected to an existing 12-inch main parallel to West Tecumseh Road. An eight-inch (8") water main will connect to an existing water line in Cascade Addition, Section 7, a Planned Unit Development and will provide a looped system.

#### **PUBLIC DEDICATIONS:**

- 1. Easements. All required easements will be dedicated to the City on the final plat.
- 2. <u>Rights-of-Way</u>. All street rights-of-way will be dedicated to the City on the final plat.
- **SUPPLEMENTAL MATERIAL**: Copies of a location map and preliminary plat are included in the Agenda Book.
- STAFF COMMENTS AND RECOMMENDATION: This property consists of 201 single-family residential lots and several open space lots will be maintained by a mandatory Property Owners' Association. Staff recommends reapproval of the preliminary plat for Fountain View Addition (Formerly known as Windstone Farms Addition).
- **ACTION NEEDED**: Recommend approval or disapproval of the preliminary plat for Fountain View Addition (Windstone Farms Addition)(Reapproval) to City Council.

<b>ACTION TAKEN:</b>	



## **CITY OF NORMAN**

## **Development Review Form Transportation Impacts**

**DATE:** April 2, 2010

CONDUCTED BY: David R. Riesland, P.E.

Assistant City Traffic Engineer

A

PROJECT NAME: Windstone/Fountain View PROJECT TYPE: Residential

#### **SURROUNDING ENVIRONMENT (Streets, Developments)**

Residential developments surround the project location with some floodplain land to the west. Tecumseh Road is the main east/west roadway, and 48th Avenue NW is the main north/south roadway.

#### **ALLOWABLE ACCESS:**

Proposed access is in accordance with Section 4018 of the City's Engineering Design Criteria.

#### EXISTING STREET CHARACTERISTICS (Lanes, Speed Limits, Sight Distance, Medians)

<u>Tecumseh Road</u>: 4 lanes (existing and future). Speed Limit - 40 mph. No sight distance problems. No medians. 48th Avenue NW: 2 lanes (existing and future). Speed Limit - 45 mph. No sight distance problems. No medians.

YES	NO 🔲
	YES

Proposed number of access points along for the development is in compliance with what is allowed in the subdivision regulations.

#### TRIP GENERATION

	Total	In	Out
Weekday	1,040	520	520
A.M. Peak Hour	80	20	60
P.M. Peak Hour	105	66	39

TRANSPORTATION IM	PACT STUDY I	REQUIRED?		YES		NO		
this area was recently studio	ed by another pro	ject and requiring	g a traffi	c impact st	udy wo	mpact study is required. Ho ould not yield any new infor nt traffic study for J&J Prop	mation.	
RECOMMENDATION:	APPROVAL	<b>DENIAL</b>		N/A		STIPULATIONS		
Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.								

The level of responsibility from the J&J Properties traffic study will be utilized to assess the responsibility for signalizing the intersection of 48<sup>th</sup> Avenue NW with Tecumseh. The J&J Properties traffic study determined that 64 % of the costs associated with the signalization of the 48<sup>th</sup> Avenue NW and Tecumseh intersection were attributable to non-City sources. For the \$150,000 anticipated design and construction costs for this project, \$96,000 would be contributed by non-City sources. From the total traffic using the intersection in the J&J Properties traffic study, there are 1121 peak hour, non-City responsible trips. Adding the Windstone/Fountain View traffic to this number will allow the determination that the Windstone/Fountain View project contributes 4.35% of the non-City responsible traffic through this intersection. Applying this percentage to the \$96,000 non-City share of the signalization costs for the intersection yields traffic impact fees attributable to the Windstone/Fountain View project of \$4,177.47.

5-7 35-10

ITEM 5, being:

CONSIDERATION OF PARKLAND DEDICATION REQUIREMENTS FOR THE WINDSTONE FARMS ADDITION

Windstone Farms Addition is located in a part of Section 15 Township 9 North, Range 3 West of the Indian Meridian and is located south of Tecumseh Road and just east of 48th Ave NW.

Park Board reviewed Windstone Addition in November of 2003 and again in May of 2004. In 2003 it contained 67 single-family residential lots for a total required parkland dedication of .4388 acres. In 2004 it was re-platted to include 180 single-family residential lots for a total required parkland dedication of 1.1790 acres.

It is now being re-platted again with some additional lots. The Windstone Farms addition now contains 200 single-family residential lots which generates a parkland requirement of 1.3100 acres. When all building permits have been issued it will generate \$15,000 in Neighborhood Park Development Fees and \$15,000 in Community Park Development Fees.

The last time this addition was re-platted, staff took the opportunity to negotiate a pedestrian access between two lots in the northeast corner that will allow access to the Roosevelt School land. Residents will be able to access the park located in the Cascade Addition by using this easement and the school land. Roosevelt school has given permission for access between the Cascade Addition and Windstone Farms Addition.

The Cascade Park site is in excess of two acres larger than required for that addition, making it comfortably able to handle the population of Windstone Farms addition.

Staff recommends Park Board maintain the fee-in-lieu of land decision previously made for the addition, with the money used to develop the existing Cascade site.

The motion was made by Commissioner Wynn and seconded by Commissioner Campbell to accept a fee-in-lieu of land decision for the Windstone Farms addition. The vote was taken with the following results:

YEAH:

Chairman Goth and Commissioners Brigham, Brockhaus, Campbell, Dickerson,

Ferrier and Wynn

NAY:

None

Item No. 2, being:

#### **CONSENT DOCKET**

Chairman Trachtenberg announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He noted that the applicant for Item No. 8 has requested postponement of that item until the next meeting and that postponement can be added to the Consent Docket. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:

APPROVAL OF THE MARCH 11, 2010 STUDY SESSION MINUTES, AND THE MARCH 11, 2010 REGULAR SESSION MINUTES.

Item No. 4, being:

CONSIDERATION OF A FINAL PLAT SUBMITTED BY RANDY AND LISA MARTIN (CENTERLINE SERVICES, L.L.C.) FOR <u>CANAAN ACRES</u>, GENERALLY LOCATED NORTH AND WEST OF THE INTERSECTION OF BROADWAY AVENUE AND FRANKLIN ROAD.

Item No. 5, being:

CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SKS1, LOC AND SOUTHWEST CAPITAL GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR <u>WINDSTONE</u> FARMS ADDITION (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48<sup>TH</sup> AVENUE N.W. APPROXIMATELY ONE-QUARTER MILE SOUTH OF TECUMSEH ROAD.

Postponement for one month of Item No. 8, being:

Consideration of a request submitted by Shannon O Moore, L.L.C. for a tract of land generally located 910 feet south of the intersection of State Highway 9 and  $12^{\text{th}}$  Avenue S.E.

- 8A. RESOLUTION NO. R-0910-96 SHANNON O MOORE, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-0910-8) FROM INDUSTRIAL DESIGNATION TO OFFICE DESIGNATION AND MEDIUM DENSITY RESIDENTIAL DESIGNATION ON PROPERTY GENERALLY LOCATED 910 FEET SOUTH OF THE INTERSECTION OF STATE HIGHWAY 9 AND 12<sup>TH</sup> AVENUE S.E.
- 8B. ORDINANCE NO. O-0910-25 Shannon O Moore, L.L.C. requests rezoning from I-1, Light Industrial District, to PUD, Planned Unit Development, for property generally located 910 feet south of the intersection of State Highway 9 and  $12^{\rm th}$  Avenue S.E.
- 8C. CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SHANNON O MOORE, L.L.C. (CARDINAL ENGINEERING) FOR <u>VICTORY PARK ADDITION</u>, A PLANNED UNIT <u>DEVELOPMENT</u> (A REPLAT OF LOT 1, BLOCK 1, SHAKLEE ADDITION) (FORMERLY KNOWN AS NRH FOUNDATION ADDITION), GENERALLY LOCATED 910 FEET SOUTH OF THE INTERSECTION OF STATE HIGHWAY 9 AND 12<sup>TH</sup> AVENUE S.E.

\*

Chairman Trachtenberg asked if any member of the Planning Commission wished to remove any item from the Consent Docket. There being none, he asked whether anyone in the audience wished to remove any item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

Paul Minnis moved to place Item Nos. 3 through 5, and the postponement of Item No. 8 for one month, on the Consent Docket and approve by one unanimous vote. Andy Sherrer seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS Jim Gasaway, Tom Knotts, Chris Lewis, Curtis

McCarty, Paul Minnis, Roberta Pailes, Andy Sherrer,

Zev Trachtenberg

NAYES None

MEMBERS ABSENT Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to place Item Nos. 3 through 5, and the postponement of Item No. 8 for one month, on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

\* \* \*

# Item No. 5, being:

CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SKS1, LOC AND SOUTHWEST CAPITAL GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR <u>WINDSTONE</u> FARMS ADDITION (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48<sup>TH</sup> AVENUE N.W. APPROXIMATELY ONE-QUARTER MILE SOUTH OF TECUMSEH ROAD.

## ITEMS SUBMITTED FOR THE RECORD:

- 1. Location Map
- 2. Preliminary Plat
- 3. Staff Report
- 4. Transportation Impacts

This item was approved on the Consent Docket by a vote of 8-0.

\* \* \*

36. ITEM: ORDINANCE NO. O-0910-28: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1051 12TH AVENUE N.E.)

INFORMATION: Planning Commission, in its meeting of April 8, 2010, held a public hearing and received no filed protest regarding the following item:

ELITE LION, L.L.C.: Requests rezoning from PUD, Planned Unit Development District, to C-2, General Commercial District, on a 1.18 acre tract of land located at 1051 12th Avenue N.E.

Planning Commission, by a vote of 7-0, recommends approval of the requested rezoning; and City Council, in its meeting of April 27, 2010, Introduced and adopted Ordinance No. O-0910-28 upon First Reading by title. A Land Use Plan Amendment is not required. Copies of an advisory memorandum; Ordinance No. 0-0910-28; site development plan; location map; Staff Report recommending approval; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED:	1.	Motion to adopt or reject Ordinance No. O-0910-28 upon Second Reading section by section.
ACTION TAKEN:		
ACTION NEEDED:	2.	Motion to adopt or reject Ordinance No. O-0910-28 upon Final Reading as a whole.
ACTION TAKEN:		•



DATE:

April 12, 2010

TO:

Honorable Mayor and Councilmembers

FROM:

Doug Koscinski, AICP

Manager, Current Planning Division

**SUBJECT:** 

First Reading:

April 27, 2010

Second Reading:

May 11, 2010

Agenda Item: Ordinance No. O-0910-28: Elite Lion, L.L.C., requests rezoning from PUD, Planned Unit Development, to C-2, General Commercial District, for property

located at 1051 12th Avenue N.E.

**BACKGROUND.** The owner of the property has applied for C-2, General Commercial zoning in order to create an out-parcel that will be used to create additional retail and food service space. This location was formerly used as a grocery store, and was converted into a gym and club in 2002 under a Planned Unit Development.

**DISCUSSION**: When originally designed, this site was constructed to house a Food Lion grocery store, which was the "anchor" for a series of out-parcels. The prototype for such uses would be to locate the building far back from the street, with a large parking lot in front of the store. The grocery store went out of business, and the site remained vacant for several years before being acquired by this owner, who used a PUD approach to integrate the gymnasium use with the bar/clubs that occupied half of the building. The owner has been approached by a restaurant (I-Hop) that is seeking a location, and would like to use the "excess" parking that is in front of the existing multi-tenant building. Rather than amending the existing PUD, the applicant is seeking to remove this portion of the lot from the PUD, and create a new stand-alone parcel that would simply be granted commercial zoning.

When the various bar/club uses were proposed, impacts on the abutting single-family homes were controlled and minimized. This use would occur in front of the main building, and should not result in any negative impacts on any nearby residences. The remaining on-site parking is adequate for the existing gym/club, as well as the proposed new uses. A cross-access and -parking agreement has been prepared. No additional driveways are proposed onto 12<sup>th</sup> Avenue.

STAFF RECOMMENDATION: This property was zoned commercial before it was changed to a PUD. That PUD will remain in place for now, although this new lot would be removed from the PUD district. As there are no off-site impacts, and the request would simply re-institute commercial zoning, staff supports this request.

DJK:rnt

Reviewed by:

Susan Connors, Director of Planning

& Community Development

Jeff Bryant, City Attorney

Steve Lewis, City Manager

Attachments:

Ordinance No. O-0910-28

Staff Report Location Map

Overall Site Plan

Planning Commission Minutes

#### O-0910-28

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1051 12<sup>th</sup> Avenue N.E.)

- § 1. WHEREAS, Elite Lion, L.L.C., the owner of the hereinafter described property, has made application to have the same placed in the C-2, General Commercial District, and to have the same removed from the PUD, Planned Unit Development District; and
- § 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and
- § 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the C-2, General Commercial District, and to remove the same from the PUD, Planned Unit Development District, to wit:

A part of Lot 4 and 5, Block 2 of SONOMA PARK Blocks 1, 2 and 3 to Norman, Cleveland County, Oklahoma, described as follows:

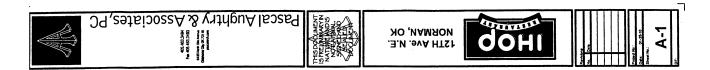
Beginning at the Southwest corner of said Lot 5; said point being 65.0 feet east and 55.0 feet north of the intersection of Sonoma Park Drive and 12<sup>th</sup> Avenue N.E.;

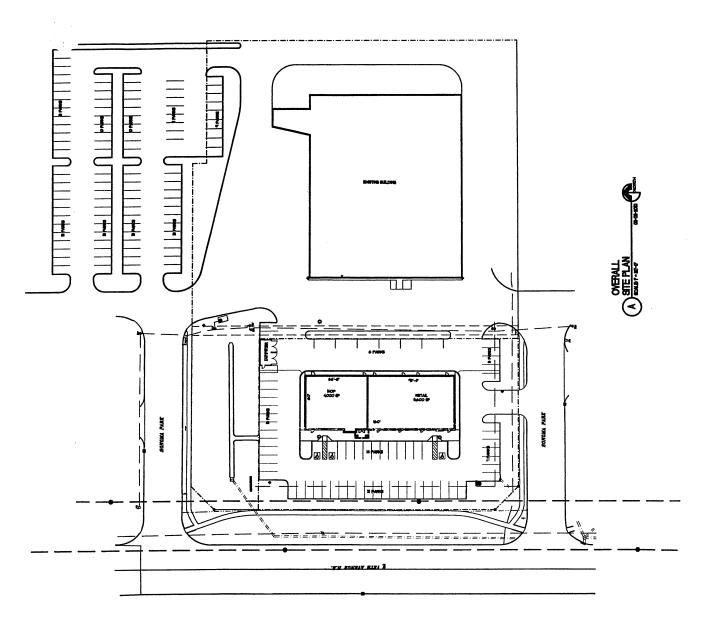
Thence North 00°51'32" West on the west line of said Lots 4 and 5 for a distance of 252.00 feet; Thence North 89°08'28 East for a distance of 186.00 feet; Thence South 00°51'32" East for a distance of 277.00 feet; Thence South 89°08'28" West on the south line of said lot 5 for a distance of 161.00 feet; Thence North 45°51'32" West for a distance of 35.36 feet to the Point of Beginning.

Ordinance	No.	O-0910-28
Page 2		

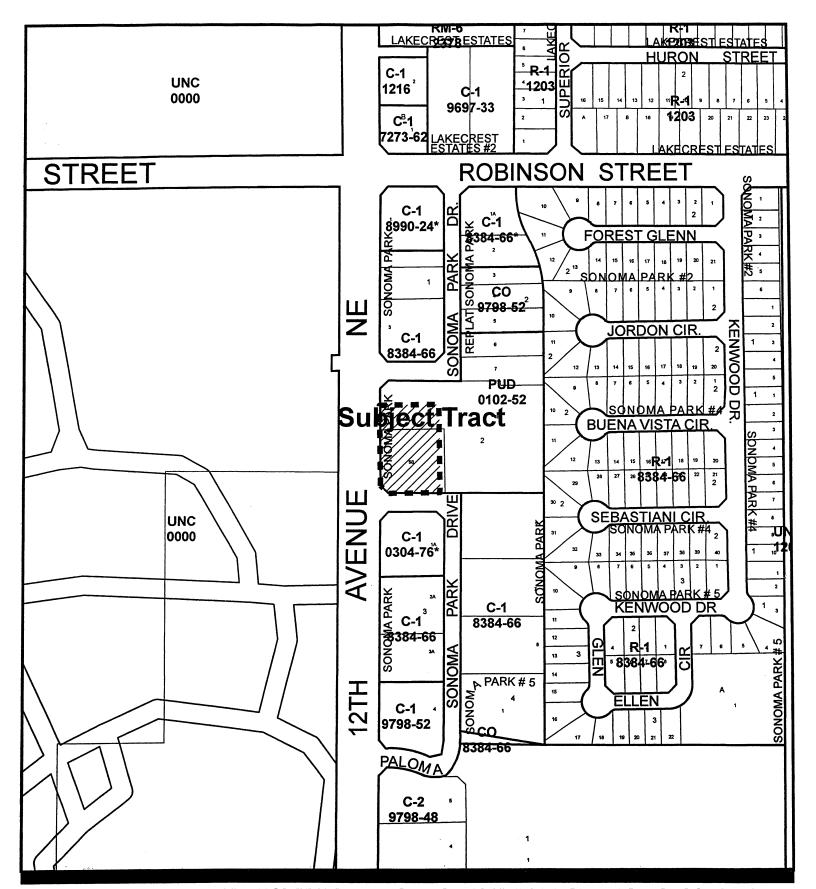
- § 5. Further, pursuant to the provisions of Section 22:434.1 of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:
  - a. The site shall be developed in accordance with the Site Development Plan (Exhibit A), approved April 8, 2010, and supporting documentation submitted by the applicant and approved by the Planning Commission.
- § 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this	day of	NOT ADOPTED this	day of
	, 2010.		, 2010.
(Mayor)		(Mayor)	
ATTEST:			
(City Clerk)			









PROPOSED REDISTRICTING - ORDINANCE NO. O-0910-28

APPLICANT:

Elite Lion, L.L.C.

REQUEST:

Rezoning from PUD, Planned Unit Development, to C-2, General Commercial

**District** 

April 8, 2010

## ORDINANCE NO. O-0910-28

ITEM NO. 11

## **STAFF REPORT**

## **GENERAL INFORMATION**

**APPLICANT** 

Elite Lion, L.L.C.

REQUESTED ACTION

Rezoning to C-2, General Commercial

District

**EXISTING ZONING** 

PUD, Planned Unit Development

SURROUNDING ZONING

North:

PUD and C-1

East: South: PUD C-1

West:

Unclassified

LOCATION

1051 12th Avenue N.E.

**SIZE** 

1.18 acres

**PURPOSE** 

Restaurant and retail

**EXISTING LAND USE** 

Parking Lot

SURROUNDING LAND USE

North: Restaurant

East:

Gym and Club

South: Car Wash

West: Central State

LAND USE PLAN DESIGNATION

Commercial

Planning Commission Staff Report Ordinance No. O-0910-28 April 8, 2010, Page 2

**SYNOPSIS:** This location was formerly used as a grocery store, and was converted into a gym and club in 2002 under a Planned Unit Development. The owner of the property is seeking to create an out-parcel that will be used to create additional retail and food service space, and has asked that commercial zoning be granted for the proposed lot.

ANALYSIS: When originally designed, this site was constructed to house a Food Lion grocery store, which was the "anchor" for a series of out-parcels. Like many such prototypical uses, the building was located far back from the street, with a large parking lot in front of the store. The grocery store went out of business, and the site remained vacant for years before being acquired by this owner, who used a PUD approach to integrate the gymnasium use with the bar/clubs that occupied half of the building. The owner has been approached by a restaurant (I-Hop) that is seeking a location, and would like to use the "excess" parking that is in front of the existing multi-tenant building. Rather than amending the existing PUD, the applicant is seeking to remove this portion of the lot from the PUD, and create a new standalone parcel that would simply be granted commercial zoning.

## **ALTERNATIVES/ISSUES:**

- <u>IMPACTS</u> When the various bar/club uses were proposed, impacts on the abutting single-family homes were controlled and minimized. This use would occur in front of the main building, and should not result in any negative impacts on nearby residences.
- <u>PARKING</u> The amount of on-site parking is adequate, and an access and crossparking agreement has been prepared.
- <u>ACCESS</u> No additional driveways are proposed onto 12<sup>th</sup> Avenue.
- <u>SITE PLAN</u> Other than the creation of the new lot and building, no changes to the overall site plan are proposed.

## **OTHER AGENCY COMMENTS:**

- PARK BOARD Parkland dedication is not required with commercial development.
- <u>PUBLIC WORKS</u> The property is currently final-platted as several lots. A Lot Line Adjustment has been submitted that will administratively re-define the new lot.

<u>STAFF RECOMMENDATION</u> This property was previously zoned commercial, and was changed to a PUD to deal with use and impacts. That PUD will remain in place for now, although this would be removed from the PUD district. As there are no off-site impacts, and the request would simply re-institute commercial zoning, staff supports this request.

Item No. 11, being:

ORDINANCE NO. O-0910-28 – ELITE LION, L.L.C., REQUESTS REZONING FROM PUD, PLANNED UNIT DEVELOPMENT, TO C-2, GENERAL COMMERCIAL DISTRICT, FOR PROPERTY LOCATED AT 1051 12<sup>TH</sup> AVENUE N.E.

#### ITEMS SUBMITTED FOR THE RECORD:

- 1. Location Map
- 2. Staff Report
- 3. Overall Site Plan

## PRESENTATION BY STAFF:

- Doug Koscinski reported that this site started out as a Food Lion Grocery store. They have a standard design with a large building far away from the road with a large parking lot inviting the public in front of it. Food Lion ran into some difficulties and went out of business. The company lost this store and it stood vacant for years. This became a PUD with a mixed use with a gymnasium, a couple of clubs for dancing, restaurant and bar. The gymnasium has now taken over most of the building. There is extreme interest in this very popular corridor for an additional pad site and that's what is driving this request. The lots south of this site that are not right on 12th Avenue N.E. are still vacant. Everyone wants to be on the main street. They are essentially taking a piece of the parking lot and adding a building. There is existing parking that will remain that is adequate for the existing building. There will be a small strip center that will match what is in the area, with multiple uses proposed for the building, the principal one being an IHOP restaurant. There is a restaurant use to the north. There is car wash to the south, a bank and other uses further down the road. There is no commercial on the west side of the road; that is Central State Hospital. No protests were received on this item.
- 2. Paul Minnis asked if this is the first time that a piece has been removed from a PUD and, if so, how do we re-evaluate the PUD. Doug Koscinski responded that the applicant does not wish to undo the PUD at this time, because it is a complicated approval for the mixture of uses that are already in the existing building. Staff's assessment was that as long as the remaining parking was available, and they have granted cross-access to this site, it is not a problem. In this case, the PUD dealt with the use and the open space will remain. Assessment of this type action would have to be on a case-by-case basis.

There being no further questions for staff, Vice Chairman Gasaway asked for a presentation from the applicant.

#### PRESENTATION BY THE APPLICANT:

The applicant was present and available to respond to questions, but did not speak.

## PARTICIPATION FROM THE AUDIENCE:

Vice Chairman Gasaway asked if anyone in the audience wished to speak on this item. There being none, he turned to the Planning Commission for discussion.

## DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to recommend adoption of Ordinance No. O-0910-28 to the City Council. Paul Minnis seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS Tom Knotts, Chris Lewis, Curtis McCarty, Paul

Minnis, Roberta Pailes, Andy Sherrer, Jim Gasaway

NAYES None

MEMBERS ABSENT Diana Hartley, Zev Trachtenberg

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. O-0910-28 to the City Council, passed by a vote of 7-0.

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